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| **Constitutional Rights** |
| US History I |
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| **In this unit, students will explore the scope and limits of constitutional rights. Students will engage in learning activities focused on connecting the history of the constitution with present day applications. They will delve deeply into primary and secondary sources dealing with historical Supreme Court cases and the present day Patriot Act. In doing so, they will be able to discuss and analyze the tension between individual liberties and securing the general welfare. Students will be able to take a stand at the end of the unit both in a performance assessment and an argumentative writing piece. This unit will take about 15 to 20 class periods to complete depending on the school and students.** |

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| **Stage 1 Desired Results** | | |
| **MA History and Social Studies Curriculum Framework Standards**  **USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.  **USI.19** Explain the rights and the responsibilities of citizenship and describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties, and interest groups.  **USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public.  **MA English Language Arts Curriculum Framework Standards**  **ELA9-10.RH.4** Determine the meaning of words and phrases as they used in a text, including vocabulary describing political, social or economic aspects of history/social studies  **ELA6-8.RH.2** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.  **ELA9-10.W.1** Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.  **ELA9-10.SL.1** Initiate and participate effectively in a range of collaborative discussions (one-on-on, in groups, and teacher-led) with diverse partners on grades 9-10 topics, texts, and issues, building on others’ ideas and expressing their own clearly and persuasively.  **ELA9-10.SL.2** Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.  **ELA9-10.SL.3** Evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric, identifying any fallacious reasoning or exaggerated or distorted evidence.  **ELA9-10.SL.4** Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task. | ***Transfer*** | |
| ***Students will be able to independently use their learning to…***  Analyze and resolve conflicts in order to work and live cooperatively with others.  Apply knowledge of political and social systems to participate actively as informed citizen of a democracy | |
| ***Meaning*** | |
| **UNDERSTANDINGS**  ***Students will understand that…***  The Constitution establishes the rights and responsibilities of the government and its citizens.  The constitution provides a system for change through the amendments.  There is an ongoing debate over the limits of government power.  The language of the document was crucial because it allowed for interpretation.  There is a process for judicial review. | **ESSENTIAL QUESTIONS**  Is the Constitution a living document?  When should personal liberty be sacrificed for the common good?  How far should the ideals of the constitution extend?  What is the purpose of government?  Why do laws have to be interpreted? |
| ***Acquisition*** | |
| ***Students will know…***  Separation of powers  The process of judicial review  The structure of the document  The Patriot Act    Key vocabulary including:   1. Constitution 2. Democracy 3. Checks and balances 4. Judicial review 5. Constitutionality 6. Amendment 7. Bill of rights 8. Congress 9. Senate 10. Supreme Court | ***Students will be skilled at…***  determining cause and effect  writing for a variety of purposes  Using content specific vocabulary in writing  Analyzing primary and secondary sources  Identifying and analyzing opposing viewpoints  Identifying sources as credible evidence  Debate from multiple perspectives  Identify main idea and details |
| **Stage 2 - Evidence** | | |
| **Evaluative Criteria** | **Assessment Evidence** | |
|  | **CURRICULUM EMBEDED PERFOMANCE ASSESSMENT (PERFORMANCE TASKS)**  You are present at a Senate Committee meeting to discuss the renewal and constitutionality of the Patriot Act. You are given a role that you will research and collect data on before the big meeting. The purpose is to create a strong argument for your side which you will present before the Committee.   * *Roles:* News reporters/Media (5-7), Celebrity Proponent (1), Celebrity Opponent (1), Homeland Security committee (4-5), Budget Committee (4-5), Judiciary Committee (4-5), Intelligence committee (4-5), Vice President | |
|  | **OTHER EVIDENCE:**  TRANSFER TASK(S):  **Writing Prompt**s **w/rubrics**:  **Lesson 2:** Why does the Supreme Court get to decide what is constitutional?  Why can’t any citizen just read the constitution on his/her own and interpret the laws?  **Lesson 4:** Do you think it is worth sacrificing your civil liberties in order to prevent terrorism? How much personal freedom are you willing to give up?  How has your definition of freedom changed in light of protecting the general welfare?  Does the Patriot Act go too far in defending our security, at the cost of protecting our individual liberties?  **Accountable Talk w/rubrics:**  **Lesson 3:** Fishbowl Discussion based on questions and comments of text based discussion with notes.  **Technology task w/rubric:**  **Lesson 3:** Using Web 2.0 tool create a slide, glog or animoto using criteria from lesson | |
| **Stage 3 – Learning Plan** | | |
| ***Summary of Key Learning Events and Instruction***   * Lesson 1: Introductory Lesson on Constitutional Rights * Lesson 2: The Role of Judicial Review in the Supreme Court. * Lesson 3: The Bill of Rights and Student Rights. * Lesson 4: The Constitutionality of the Patriot Act. * Lesson 5: Reading and Writing Closing Arguments. * Lesson 6: Tools and Strategies for Crafting, Writing and Presenting Arguments * Lesson 7: CEPA and Follow Up Argument Writing Piece.   ***Lesson 1: Introduction***   * Identify prior knowledge through the A to Z Anticipation Guide on the Purpose of United States Government. * Define the term Constitutional Rights using a Frayer Model. * Analyze a video clip using an I Hear/It Means on the Teachers Domain video clip: Minersville School District vs. Gobitis. * Accountable Talk Discussion Questions**:** Minersville School District vs. Gobitis. * Answer the following question: What is the purpose of government?   ***Lesson 2:***   * Respond to prompts and share what they would do if they were the mayor of Malden. * Mark up a reading of *Marbury v. Madison* and answer several review questions to check for understanding. * Interpret a political cartoon on the court case using the “I see/It means” method. * Graphic organizer to be completed during the “Hollywood Squares” game. * Quick write reflection at the end of the “Hollywood Squares” game; Glogster Technology Skill: students will answer the prompt: why does the Supreme Court get to decide what is constitutional? * Why can’t any citizen just read the constitution on their own and interpret the laws?” * Written explanation why they think the founding fathers decided to include a federal judiciary court in our government as a closing activity.   ***Lesson 3:***   * Summarize the Bill of Rights in their own words. * Apply the principles of the Bill of Rights to a Court case. * Mark up the text of a Court Case to make connections and apply theories of the Bill of Rights. * Identify connections from the Bill of Rights to today. * Analyze a primary source. * Accountable Talk using a Fishbowl Discussion with guided discussion questions on a court case.   ***Lesson 4:***   * Determine if list of scenarios are either patriotic or unpatriotic with summary. * Identify where on a spectrum of liberty versus security situations fit. * Concept Event Map of the Patriot Act determining the main idea and key details. * Define key terms and illustrate of important ideas from the Patriot Act. * Explain 10 sections of the Patriot Act with positives and negatives for each section. * Written Opinion: do you think it is worth sacrificing your civil liberties in order to prevent terrorism? How much personal freedom are you willing to give up? How has your definition of freedom changed in light of protecting the general welfare? Does the Patriot Act go too far in defending our security, at the cost of protecting our individual liberties?   ***Lesson 5:***   * Identify key features of an argument. * Analyze how an author’s ideas or claims are developed. * Identify aspects of a text that reveal an author’s point of view or purpose. * Write arguments clearly using sufficient evidence to support a claim. * Present information, findings, and supporting evidence such that listeners can follow the line of reasoning.   **Lesson 6:**   * Define of bias, source, reliable, primary and secondary sources. * Critically think about Websites questions after viewing two different fake websites. * Mark up the text of Evaluating Web Pages Checklist to identify most important skills. * Identify and explain Primary and Secondary sources example review sheet. * Answer Reliable Resources questions about the main websites they use for research. * Collect research data. * **Lesson 7:** * Graphic organizer determining each group’s talking points during the presentation. * Written self-reflection on presentation and committee meeting. * Persuasive writing on their opinion of the Patriot Act.   **Teacher Resources:**  <http://constitutioncenter.org/>  <http://www.usconstitution.net/constteach.html>  <http://www.socialstudies.org/teacherslibrary> | | |
| Adapted from Understanding by Design 2.0 © 2011 Grant Wiggins and Jay McTighe Used with Permission  July 2012 | | |

Lesson 1 – Introductory Lesson on Constitutional Rights

**Brief Overview:** Students will explore the meaning of constitution, identify the characteristics of Constitutional Rights and explain the purpose of the government.

**Prior Knowledge Required:** Students should at least have background knowledge of some of the rights and responsibilities that students as citizens have in school, and they should have knowledge of how people in a community can influence their local government.

**Estimated Time:** 1/45-55 minutes (1 class period)

**Resources for Lesson:** <http://www.teachersdomain.org/asset/bf09_vid_mingobv/>

**Content Area/Course:** US History I

**Unit:** Constitutional Rights

**Time (minutes):** 1/45-55 minutes class

**Lesson:** Introductory Lesson on Constitutional Rights

**Overview:** Students will be able to explain the purpose of the government and to summarize the characteristics of Constitutional Rights.

*By the end of this lesson students will know and be able to:*

Preview a unit of Constitutional Rights

Identify characteristics of Constitutional Rights

Explain the purpose of government

**Essential Question addressed in this lesson:**

What is the purpose of government?

What rights do students have?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.8** Describe the debate over the ratification of the Constitution between Federalists and Anti-Federalists and explain the key ideas contained in the Federalist Papers on federalism, factions, checks and balances, and the importance of an independent judiciary. (H, C)

**USI.9** Explain the reasons for the passage of the Bill of Rights. (H, C)

1. The influence of the British concept of limited government.
2. The particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes.

Seminal Primary Documents to Read: the Bill of Rights (1791)

Seminal Primary Documents to Consider: Magna Carta (1215) and the English Bill of Rights (1689)

**Instructional Resources/Tools**

White or chalk board, television, teacher’s domain video, projector screen or individual machines, paper, pens, and pencils.

Anticipated Student Preconceptions/Misconceptions

Students may believe that the Constitution is a “dead” document from history. They may not realize that the Constitution and Bill of Rights are referenced on a daily basis by individuals and the courts

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see links below):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

2. Scaffolding: Word Bank provided for Progress Document

Graphic Organizer for Summative Assessment (see link below)

<http://www.adlit.org/strategies/22369/>

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

4. Have students complete an A to Z chart that will help them learn all the characteristics and elements in relation to the United States Government.

5. Have students do pair/share as they complete the A to Z chart.

6. Use the I Hear/It Means chart to conduct large and small group discussions.

7. Students should preview the vocabulary for the unit in a three column vocabulary unit (attached). Students should only fill in the definitions to begin and will eventually come back to the third column throughout the unit.

Pre-Assessment

A to Z Anticipation Guide on the Purpose of United States Government

Frayer Model on the term Constitutional Rights

I Hear/It Means on the Teachers Domain video clip: Minersville School District vs. Gobitis

Minersville School District vs. Gobitis Discussion Questions:

How did world events impact the case of *Minersville School District v. Gobitis*?

What was the Court’s decision?

In what ways, if any, do schools encourage patriotism today?

In what ways, if any, do schools protect the religious freedoms of students today?

What students need to know and are able to do coming into this lesson (including language needs):

Know the function and responsibilities of the government.

Conduct argumentative discussions about topics in small and large groups.

Students should have background knowledge of what rights, a citizen and a government is and some of the characteristics of each.

**Information for Teacher**

Video:

<http://www.teachersdomain.org/asset/bf09_vid_mingobv/>

Graphic organizer:

<http://www.adlit.org/strategies/22369/>

**Lesson Sequence**

1. Students will complete an A to Z Anticipation Guide on the Purpose of United States Government. For each letter of the alphabet, students should write one thing that they already know about the United States Government. Their sentence or phrase should begin with the given letter of the alphabet.

2. Students should complete two portions of a Frayer Model on the term: Constitutional Rights. Students should first try on their own to come up with a definition of the term and 2-3 characteristics. Then they should pair/share with a partner and adjust their definition and characteristics as needed. If the teacher wants, the next step can be to share as a whole group and come up with a class definition and class characteristics. Students should be instructed that they will be able to come back to this organizer throughout the unit to add new things they learn and to fill in the parts with examples and non examples.

3. Students should watch the following video from Teachers Domain (Minersville School District vs. Gobitis). During the video students should complete an I Hear/It Means. Students should be instructed to just write down the things that they hear that they feel are important as they watch and listen. When the video is done, they will be able to go back and fill in the “It Means” portion of their notes. As a summarizer, the students should answer the discussion questions that accompany the video.

Link to video: <http://www.teachersdomain.org/asset/bf09_vid_mingobv/>

4. The teacher should lead the students in a discussion of the I Hear/It Means. In addition, students and teacher should come up with a Summary of the Court Case that all students will add in their I Hear/It Means.

5. After viewing the video, students should go back to their A to Z chart with a partner and add in anything else from the video or class discussion in a different color.

6. Use your notes from today’s lesson to answer the following question: What is the purpose of government?

**Formative assessment:**

What rights do you have in school?

Do you have the same rights in school as out of school?

Why or why not?

**Preview outcomes for the next lesson**:

The role of the Constitution

Interpretation of the Constitution

**Summative Assessment:**

Use your notes from today’s lesson to answer the following question:

What is the purpose of government?

**Resources for Lesson 1**

**LINK  
A before, during and after reading strategy**

* **L**ist
* **I**nquire
* **N**ote
* **K**now

*Adapted from Strategic Teaching and Learning, CA DOE 2000 - Reading Apprenticeship*

**List** what you think you know about:

What do you think you know about…..? [A to Z link chart that is an anticipation guide on the purpose of the United States government]

WXYZ

U-V

S-T

Q-R

O-P

M-N

K-L

I-J

G-H

E-F

C-D

A-B

**I See/It Means:** This is a strategy that’s useful in analyzing pictures or other visuals without prompts. This strategy works well when students observe, analyze and make notes. It works in much the same way as other two-column notes, with one column (I See) designated for recording details and a second column (It Means) designated for personal, analytical and evaluative interpretations of the details that have been recorded.

The strategy is most effective when used as a pre-reading strategy to build students’ background knowledge, or as a post-reading strategy that allows students to apply and extend new knowledge they’ve acquired.

|  |  |
| --- | --- |
| I See | It Means\* |
| * Record as many details as possible that provide clues to the illustration, cartoon, photo or artifact * The details must be *observable* and can include text | For each detail   * Describe the action taking place * Generate *inferences or predictions*   Consider the following:   * What roles does this detail play? * Why is it important? * What is its purpose? * What does this detail mean or represent? * What is it a symbol of? * Explain how the words in the cartoon clarify the symbols |
| **Summary/Analysis**  Write a brief response to the questions: What do all the details add up to? What is the meaning of this illustration, photo, or cartoon? Explain the message of the cartoon using key terms and key people.   * Background knowledge can be brought in here * Use key terms/key people whenever possible   **Analysis**   * What is the POV of the artist, cartoonist, etc. * What special interest groups would agree/disagree with the cartoon’s message? Why? | |

\* or “It’s Important Because…” Optional: Ask students to create a new title for the cartoon

**Think/Write, Pair/Revise-Share and Two-Column Notes**

**-** Improving Reading Comprehension

**Think/Write:**

*While you read, mark up the text…*

* *Nonfiction:* identify and highlight key information, including the topic, subtopics (if there are any), important details, examples, and the main idea; also write down any questions that come to mind while you read
* *Fiction:* identify and highlight the important language and literary devices the author uses to develop the plot, the characters, the setting, the conflict and resolution, a certain mood, or the theme; also write down any questions that come to mind while you read

*When you’re finished marking up the text, record your information in two column notes:*

* record the key information, or the language and literary devices, on one side of your notes, and your questions on the other side; with nonfiction notes, record the key information *in your own words* and highlight or underline key terms you need to understand; then…..
* think about what you already know and add any additional thoughts you have about the content, under your questions: comments, connections, inferences, predictions, points of confusion, other ideas[[1]](#endnote-1)

**Pair/Revise:**

Get together with a partner and…

* share the information or the language and literary devices you recorded in your notes
* reach agreement on the information or the language and literary devices that are *most important*; with nonfiction, include your *best version* of the main idea
* revise the information or the language and literary devices in your notes, as needed, in another color
* share your questions and get answers from your partner, your notes, the text, other source material that’s available, other students, or your teacher (as a *last* resort), and
* discuss your other thoughts about the reading to build a deeper understanding of the content

**Share:**

* Share what you learned from the reading and your conversations, with the entire class.

Ask questions to fill in any gaps of understanding you still have

****

For more information: <http://www.adlit.org/strategies/22369/>

**Taking Effective Notes**

Identifying the most important information in a text is a difficult task but with practice you will improve. Taking meaningful notes that can be used to study for a test, write a report, or use as evidence to support an argument is crucial to any course, especially history—the most important one!

Comprehending text involves *thinking* about it and *responding* to it in some way. To help you comprehend textual material, you need to connect new information with information you already know. Active reading implies that you are questioning, predicting, and commenting/responding to what you read.

Here are some symbols to help you identify main ideas and important supporting details.

|  |  |
| --- | --- |
| **MCj04346650000[1]** | **Knew this already**  **From when or where** |
| **M I** | **Main Idea** |
| **+ +** | **Supporting Detail** |
| **?** | **Don’t understand this**  **Write your question in the margin or on the left-side of your**  **notebook** |
| **A** | **Agree**  **What part do you agree with? How come?** |
| **D** | **Disagree**  **What do you disagree with?** |
| **I** | **Interesting Statement**  **Explain what you find interesting about this idea** |
|  | **Connection**  **I connect this to . . .** |
| **L** | **Important Lesson**  **Explain why** |
| **P** | **Point of View**  **Perspective or bias** |

Lesson 2 – The Role of Judicial Review in the Supreme Court

**Brief Overview:** Students will explore the meaning of constitution and what role it plays in the United States.

**Prior Knowledge Required:** Students should know the meaning of constitution and identify the characteristics of Constitutional Rights.

**Estimated Time:** 2/45 minutes (2 class periods)

**Resources for Lesson:** [www.streetlaw.org](http://www.streetlaw.org)

<http://www.streetlaw.org/en/landmark/cases/marbury_v_madison>

<http://www.supremecourt.gov/about/biographies.aspx>

<http://www.streetlaw.org/en/landmark/home>

**Content Area/Course:** US Social Studies

**Unit:** Constitutional Rights

**Time (minutes):** 45minutes (1 class period)

**Lesson:** The Role of Judicial Review in the Supreme Court

**Overview:** Students will explore the meaning of constitution and what role it plays in the United States.

*By the end of this lesson students will know and be able to:*

Explain the role of the Supreme Court in interpreting the Constitution.

Analyze the significance of *Marbury v. Madison*.

Define judicial review.

Apply the concept of judicial review to several sample historical court cases.

Mark up a secondary source reading on *Marbury v. Madison*.

Interpret a political cartoon on the *Marbury v. Madison* court case.

**Essential Question addressed in this lesson:**

Why do laws need to be interpreted?

Don’t laws mean exactly what they say?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.

**USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public.

**USI.25** Trace the influence and ideas of Supreme Court Chief Justice John Marshall and the importance of the doctrine of judicial review as manifested in *Marbury v. Madison* (1803). (H, C).

**Instructional Resources/Tools**

White or chalk board, television, teachers domain video, projector screen or individual machines, paper, pens, pencils, copy of summary of the *Marbury v. Madison* case from school textbook or an internet source, three differentiated readings from [www.sreetlaw.org](file:///C:\Users\xmm\AppData\Roaming\Microsoft\Word\www.sreetlaw.org) on *Marbury v. Madison*, and copy of article III from the Constitution.

Anticipated Student Preconceptions/Misconceptions

1. Students will have trouble keeping track of the key players in this case (Supreme Court Chief Justice John Marshall; William Marbury, a Maryland citizen who in 1801 sought to become justice of the peace for the District of Columbia; Secretary of State James Madison; Presidents John Adams (outgoing Federalist in 1801) and Thomas Jefferson (incoming Democrat Republican in 1801).
2. Students might not know how to interpret a political cartoon or might not find the humor in the cartoon

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see link below):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

2. Scaffolding: Word Bank provided for Progress Document

Graphic Organizer for Summative Assessment

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

4. Copy of a summary of the *Marbury v. Madison* case from school textbook or from an internet source, cardboard for game activity or access to a computer with a “Hollywood Squares” game template, audio/computer access to play a short dialogue of the case, copy of a political cartoon

5. Copy of three differentiated readings on *Marbury v Madison* from [www.streetlaw.org](http://www.streetlaw.org)

6. Copy of Article III from the Constitution

7. Use Think/Write, Pair/Revise-Share and Two-Column Notes (see resources for lesson1 for details)

Some sample short summaries of the case that could be used**:**

A summary with primary text:

<http://www.digitalhistory.uh.edu/documents/documents_p2.cfm?doc=350>

Background on case:

<http://edsitement.neh.gov/lesson-plan/john-marshall-marbury-v-madison-and-judical-reviewmdashhow-court-became-supreme#sect-background>

Longer secondary source article:

<http://www.neh.gov/news/humanities/2003-01/marbury.html>

Pre-Assessment

After the introduction scenario, students respond to the prompts and share what they would do if they were the mayor of Malden

Students will mark up a reading of *Marbury v. Madison* and answer several review questions to check for understanding

Students interpret a political cartoon on the court case using the “I see/It means” method

Graphic organizer to be completed during the “Hollywood Squares” game

Quick write at the end of the “Hollywood Squares” game

What students need to know and are able to do coming into this lesson (including language needs):

Know the rights and responsibilities of a U.S. citizen.

Discuss a topic in a small and large group.

Students should have background knowledge of what rights, a citizen and a government is and some of the characteristics of each.

**Information for Teacher**

Numerous articles from New York Times:

<http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html>

Numerous cases for discussion:

<http://supreme.justia.com/cases/federal/us/515/646/case.html>

**Lesson Sequence**

**1). Preview/Opener/”Do Now:”**

“You have been elected the new Mayor of Malden. Before leaving office, the old mayor gave jobs to several of his political friends but the paperwork hasn’t made it to the personnel office yet.” Debrief as a class by answering the following questions:

a) Should you 1) honor the jobs promised by the old mayor, or 2) cancel the jobs since they aren’t “officially” in the system yet?  
b) What are the possible negatives to denying these people their jobs? What are the possible positives to allowing them to take these jobs?  
c) Would it make a difference if the prospective employees had worked against you in the mayoral elections?

**2). Background reading – Close Reading of a Secondary Text on *Marbury v. Madison*:**

Students will be given a summary of the *Marbury v. Madison* case and Article III from the Constitution, which states the powers of the judicial branch. They will mark this up and answer some review/discussion questions

Resource for a secondary summary of the case:

[www.streetlaw.org](http://www.streetlaw.org).

There are three levels of readings of different text complexity on the case with questions that relate to each level

Resource of the *Marbury v. Madison* readings, under the heading “background”:

<http://www.streetlaw.org/en/landmark/cases/marbury_v_madison>

1. Students first listen to this passage spoken out loud by the teacher or a student
2. Students then read the passage silently on their own, trying to determine vocabulary meaning based on context
3. Students will mark up the text as they read
4. Students will be guided through a series of focus questions to determine their understanding of the document:
5. Who are the main people involved in this case?
6. What is the central conflict?
7. What did John Adams do before he left office?
8. What did Thomas Jefferson change once he started in office?
9. Why was Marbury upset over Jefferson’s actions?
10. Does Marbury have a right to get this job if the old president said it was ok?
11. How does Madison get involved with this case, what was his role?
12. Can the Supreme Court decide if a law is fair or not?
13. What is the impact of having a new political party entering the White House for the first time in the country’s history?
14. Connect back to the “Do Now” – how would you change your decision now after reading the historical background and connection?
15. Students will explain and define judicial review

**3). Interpreting a Political Cartoon**

Students will listen to a reenactment of *Marbury v. Madison*:

<http://www.imao.us/sound/Marbury.mp3>

1. As students listen, they should write down their thoughts and initial reactions to the reenactment
2. Then interpret a political cartoon on the court case using the I see/it means method <http://webs.rps205.com/curriculum/ssandvoc/images/74659B1CC3B646FA876CCCCA8433C9AD.gif>
3. Students pair/share their notes, and revise as necessary, then full class debrief
4. Students will then apply the concept of judicial review to several cases through a Hollywood Squares type game

**4). Applying the concept of Judicial Review using Hollywood Squares**

Supreme Court Justice Hollywood Squares style:

9 students are assigned to represent a current Supreme Court Justice, each one with a short bio stating how they typically rule on cases

These judges will form a grid on 9 squares, similar to Hollywood Squares. Each Judge will hold a sign, one side with an “X” on it and one side with an “O” on it

The rest of the class will be divided into two teams: the Xs and the Os

For each round, each team will send up one representative to the X/O desk at a time.

The first team to go will pick a square, and the teacher will provide a short scenario of a case that has reached the Supreme Court. The Judge in question has to decide whether this case violates the Constitution and then how they would vote on it.

The X/O team decides if they agree or disagree with the Judge. They must be right in order to win the square.

The winner of each round must connect three squares

1. Students will fill in a graphic organizer of each scenario and the outcome as the game progresses
2. As students play the game, they will use their textbooks or a handout of the Bill of Rights as a reference point, to help them determine the constitutional connections and violations in each scenarios
3. After the game, students will debrief with a partner and share comments, questions and connections on each scenario.

**5). Written Assessment Summary – Persuasive Writing:**

In a well thought out essay, respond to the following prompts:

Why does the Supreme Court get to decide what’s constitutional? Any citizen can read the Constitution on their own, why do we need a court to make decisions? Explain why you think the original founders decided our government needs to have a federal judiciary court.

-Make sure to include a thesis statement

-Include evidence from your notes

- Evidence must include analysis and a conclusion

**Formative assessment:**

Use your notes from today’s lesson to answer the following question:

What is the purpose of government?

**Preview outcomes for the next lesson**:

Summarize the Bill of Rights in their own words.

Apply the principles of the Bill of Rights to a Court case.

Mark up the text of a Court Case to make connections and apply theories of the Bill of Rights.

Identify connections from the Bill of Rights to today.

**Summative Assessment:**

Students answer how the government would be different today if the Supreme Court had not given itself the power of judicial review in *Marbury v. Madison.*

**Resources for Lesson 2**

**Scenarios for the Supreme Court Hollywood Squares Game**

**1). Brown v. Board of Education (1954)**

**Facts:** Black children were denied admission to public schools attended by white children under laws requiring or permitting segregation according to race. It was found that the black children’s schools and the white children’s schools had been or were being equalized with respect to facilities, curricula, qualifications, and salaries of teachers.

**2). Bush v. Gore (2000)**

**Facts:** In the 2000 Presidential race, Democratic candidates Al Gore and Joe Lieberman filed a complaint contesting the certification (making official) of Florida’s election results. The Florida Supreme Court ordered a manual recount of ballots entered on machines that did not record votes for President. Republican candidate George W. Bush filed an emergency application with the U.S. Supreme Court to stop the Florida Supreme Court's order for the manual recount. The United States Supreme Court agreed to take the case.

**3). Miranda v. Arizona (1966)**

*Self-Incrimination, Due Process*

Ernesto Miranda was arrested after a crime victim identified him, but police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination, or of his Sixth Amendment right to the assistance of an attorney. While he confessed to the crime, his attorney later argued that his confession should have been excluded from trial. The Supreme Court agreed, deciding that the police had not taken proper steps to inform Miranda of his rights.

**4). Gideon v. Wainwright (1963)**

*Right to Counsel, Due Process*

In June 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, FL.  Police arrested Clarence Earl Gideon after he was found nearby with a pint of wine and some change in his pockets. Gideon, who could not afford a lawyer, asked a Florida Circuit Court judge to appoint one for him arguing that the Sixth Amendment entitles everyone to a lawyer. The judge denied his request and Gideon was left to represent himself. He did a poor job of defending himself and was found guilty of breaking and entering and petty larceny. While serving his sentence in a Florida state prison, Gideon began studying law, which reaffirmed his belief his rights were violated when the Florida Circuit Court refused his request for counsel. From his prison cell, he handwrote a petition asking the U.S. Supreme Court to hear his case and it agreed. The Court unanimously ruled in Gideon’s favor, stating that the Six Amendment requires state courts to provide attorneys for criminal defendants who cannot otherwise afford counsel.

**5). Dred Scott v. Sanford (1857)**

*Slavery, Due Process, the Missouri Compromise*

In 1834, slave Dred Scott was purchased in Missouri and then brought to Illinois, a free (non-slave) state. His owner and he later moved to present-day Minnesota where slavery had been recently prohibited, and then back to Missouri.  When his owner died, Scott sued the widow to whom he was left, claiming he was no longer a slave because he had become free after living in a free state.  At a time when the country was in deep conflict over slavery, the Supreme Court decided that Dred Scott was not a “citizen of the state” so they had no jurisdiction in the matter, but the majority opinion also stated that he was not a free man.

**6). Roe v. Wade (1973)**

*Abortion, Right to Privacy*

Jane Roe was an unmarried and pregnant Texas resident in 1970. Texas law made it a felony to abort a fetus unless “on medical advice for the purpose of saving the life of the mother.”  Roe filed suit against Wade, the district attorney of Dallas County, contesting the statue on the grounds that it violated the guarantee of personal liberty and the right to privacy implicitly guaranteed in the First, Fourth, Fifth, Ninth, and Fourteenth Amendments.  In deciding for Roe, the Supreme Court invalidated any state laws that prohibited first trimester abortions.

**7). Tinker v. Des Moines (1969)**

*Student Speech, Symbolic Speech*

John and Mary Beth Tinker of Des Moines, Iowa, wore black armbands to their public school as a symbol of protest against American involvement in the Vietnam War. When school authorities asked that the Tinkers remove their armbands, they refused and were subsequently suspended. The Supreme Court decided that the Tinkers had the right to wear the armbands, with Justice Abe Fortas stating that no one expects students to “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

**8). Gibbons v. Ogden (1824)**

*State Rights, Commerce Clause*

In 1808, the government of New York granted a steamboat company a monopoly to operate its boats on the state's waters, which included bodies of water that stretched between states. Aaron Ogden held a license under this monopoly to operate steamboats between New Jersey and New York. Thomas Gibbons, another steamboat operator, competed with Aaron Ogden on this same route but held a federal coasting license issued by an act of Congress. Ogden filed a complaint in New York court to stop Gibbons from operating his boats, claiming that the monopoly granted by New York was legal even though he operated on shared, interstate waters. Gibbons disagreed arguing that the U.S. Constitution gave Congress the sole power over interstate commerce. After losing twice in New York courts, Gibbons appealed the case to the Supreme Court. The Supreme Court determined that the commerce clause of the Constitution grants the federal government the power to determine how interstate commerce is conducted.

**9). Plessy v. Ferguson (1896)**

*"Separate but Equal," Equal Protection*

In 1890, Louisiana passed a statute called the Separate Car Act declaring that all rail companies carrying passengers in Louisiana must provide separate but equal accommodations for white and non-white passengers. The penalty for sitting in the wrong compartment was a fine of $25 or 20 days in jail. A group of black citizens joined forces with the East Louisiana Railroad Company to fight the Act. In 1892, Homer Plessy, who was one-eighth black, purchased a first-class ticket and sat in the white-designated railroad car. Plessy was arrested for violating the Separate Car Act and argued in court that the Act violated the Thirteenth and Fourteenth Amendments to the Constitution. After losing twice in the lower courts, Plessy took his case to the U.S. Supreme Court, which upheld the previous decisions that racial segregation is constitutional under the separate but equal doctrine.

**10). McCulloch v. Maryland (1819)**

*State Taxes, National Supremacy*

The U.S. government created the first national bank for the country in 1791, a time during which a national bank was controversial due to competition, corruption, and the perception that the federal government was becoming too powerful. Maryland attempted to close the Baltimore branch of the national bank by passing a law that forced all banks that were created outside of the state to pay a yearly tax. James McCulloch, a branch employee, refused to pay the tax. The State of Maryland sued McCulloch saying that Maryland had the power to tax any business in its state and that the Constitution does not give Congress the power to create a national bank. McCulloch was convicted and fined, but he appealed the decision. The Supreme Court determined that Congress has implied powers that allow it to create a national bank, even though the Constitution does not explicitly state that power, and that Maryland’s taxing of its branches was unconstitutional.

Taken from <http://www.streetlaw.org/en/landmark/home>

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Period: \_\_\_\_\_\_\_\_\_\_\_\_\_

Judicial Review – Hollywood Squares Game

|  |  |  |
| --- | --- | --- |
| **Name of Case** | **Application of Judicial Review** | **Comments/Connections/**  **Questions** |
| **Brown v. Board of Education** (1954) |  |  |
| **Bush v. Gore (2000)** |  |  |
| **Miranda v. Arizona (1966)** |  |  |
| **Gideon v. Wainwright (1963)** |  |  |
| **Dred Scott v. Sanford (1857)** |  |  |
| **Roe v. Wade (1973)** |  |  |
| **Tinker v. Des Moines (1969)** |  |  |
| **Gibbons v. Ogden (1824)** |  |  |
| **Plessy v. Ferguson (1896)** |  |  |
| **McCulloch v. Maryland (1819)** |  |  |

**I See/It Means Directions**

This is a strategy that’s useful in analyzing pictures or other visuals without prompts. This strategy works well when students observe, analyze and make notes. It works in much the same way as other two-column notes, with one column **(I See)** designated for recording details and a second column **(It Means)** designated for personal, analytical and evaluative interpretations of the details that have been recorded. The strategy is most effective when used as a **pre-reading strategy** to build students’ background knowledge, or as a **post-reading strategy** that allows students to apply and extend new knowledge they’ve acquired.

|  |  |
| --- | --- |
| **I See** | **It Means\*** |
| * **Record** as many ***details*** as possible that provide clues to the illustration, cartoon, photo or artifact * The details must be ***observable*** and can include text | **For each detail**   * Describe the action taking place * Generate *inferences or predictions*   **Consider the following**:   * What roles does this detail play? * Why is it important? * What is its purpose? * What does this detail mean or represent? * What is it a symbol of? * Explain how the words in the cartoon clarify the symbols |
| **Summary/Analysis**  Write a brief response to the questions: What do all the details add up to? What is the meaning of this illustration, photo, or cartoon? Explain the message of the cartoon.   * Background knowledge can be brought in here * Use key terms/key people whenever possible   **Analysis**   * What is the POV of the artist, cartoonist, etc. * What special interest groups would agree/disagree with the cartoon’s message? Why? | |

**\* or “It’s Important Because**…” Optional: Ask students to create a new title for the cartoon

Lesson 3 – The Bill of Rights and Students’ Rights

**Brief Overview:** Students will be able to summarize what the Bill of Rights means; they will also be able to apply the principles of the Bill of Rights to various court cases.

**Prior Knowledge Required:** Students should at least have background knowledge of some of the rights and responsibilities of students and citizens, and they should have knowledge the role of the constitution.

**Estimated Time:** 45 minutes (1 class period)

**Resources for Lesson:**

**Content Area/Course:** US History I

**Unit:** Constitutional Rights

**Time (minutes):** 1-2/45-55 minutes classes

**Lesson:** The Bill of Rights and Students’ Rights

**Overview:** Students will be able to summarize what the Bill of Rights means; they will also be able to apply the principles of the Bill of Rights to various court cases.

*By the end of this lesson students will know and be able to:*

Explain amendments to the Constitution in their own words

Apply the principles of the Bill of rights to a Court Case

Identify connections from the Bill of Rights to today

Analyze a primary source

**Essential Question addressed in this lesson:**

Does the Bill of Rights apply to students’ rights?

Should schools be held to a different standard?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.8** Describe the debate over the ratification of the Constitution between Federalists and Anti-Federalists and explain the key ideas contained in the Federalist Papers on federalism, factions, checks and balances, and the importance of an independent judiciary. (H, C)

**USI.9** Explain the reasons for the passage of the Bill of Rights. (H, C)

1. The influence of the British concept of limited government.
2. The particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes.

Seminal Primary Documents to Read: the Bill of Rights (1791)

Seminal Primary Documents to Consider: Magna Carta (1215) and the English Bill of Rights (1689)

**Instructional Resources/Tools**

White or chalk board, television, teachers domain video, projector screen or individual machines, paper, pens, pencils, computers, word comment feature, Crocodoc, and Wikispaces.

Anticipated Student Preconceptions/Misconceptions

Students may believe that the Constitution is a “dead” document from history. They may not realize that the Constitution and Bill of Rights are referenced on a daily basis by individuals and the courts.

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see resource section):

2. Scaffolding: Word Bank provided for Progress Document

Graphic Organizer for Summative Assessment

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

4. Read aloud of cases

5. Use Think/Write, Pair/Revise-Share and Two-Column Notes (see resources for lesson 1 for details)

Pre-Assessment

Review Frayer Model on “Constitutional Rights”/Lesson to “kick off” Unit

What students need to know and are able to do coming into this lesson (including language needs):

Identify key features of a legal closing argument as a `persuasive’ text.

Write a legal arguments clearly using sufficient evidence to support a claim.

Present information, findings, and supporting evidence such that listeners can follow the line of reasoning.

**Information for Teacher**

The fishbowl discussion protocol (see resource section)

**Lesson Sequence**

1. Students will be grouped according to the document they will be analyzing in class. There are four Court decisions/cases involving one of the Amendments to the Constitution. Each pertains to a school based situation/scenario that high school and middle school students can make personal connections to. Each group will have approximately 6 students in it. One person from the group should do the initial read-aloud to get a feel for the text. Other group members should follow along with the reading at their desk.
2. After the initial read aloud students should read through a second time independently, marking up the document (Court Case) with questions, comments, predictions, thoughts, etc. Students will be graded separately on the document mark up and will be given the Mark up Rubric prior to beginning. For the purposes of this task, students will be given a document with difficult vocabulary defined in the margins. Students should look up any additional vocabulary impeding their reading, on their own.
3. Students will be given guided discussion questions to answer on their own, after marking up the text. Questions (attached) will be text dependent and will ask the students to “dig” deeper into the facts of the case. They will be directed back to the text to answer the questions. Their answers will later be used in a Fishbowl Discussion (protocol attached).
4. Students will take part in a Fishbowl Discussion based on their mark-ups and responses to the questions they answered individually. Students in the inner circle will hold a student-directed and text-based discussion of their case study, while students in the outer circle take notes and write down clarifying questions and thoughts.
5. After the inner circle has completed their discussion and the outer circle has asked their clarifying questions, all students should write a 2-3 sentence summary of the case. Students should also explain (in 2-3 sentences) which Amendment the case pertains to and why.
6. Numbers 4 and 5 should be repeated until all four groups have sat in the inner circle for their discussion. Each student will end with a summary of the important facts of ALL four cases. Students should also revisit their initial responses based on the Fishbowl Discussion.
7. Students choose a Web 2.0 tool and create a slide, glog or animoto that includes:  the Amendment in their own words, a brief summary of the case they were given, examples of the amendment's implications today, and a visual to represent what the amendment means to them. They should also take a stand. Students will be asked to answer the question: Should schools be held to a different standard?

**Formative assessment:**

Use your notes from today’s lesson to answer the following question:

What is the purpose of government?

**Preview outcomes for the next lesson**:

The fine line between liberty and security

The role of the Patriot Act

**Summative Assessment:**

Students will answer the question: Should schools be held to a different standard? Students will use technology to analyze their court case and answer the question.

**Resources for Lesson 3**

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Period:\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_

**Bill or Rights**

Title of the Source:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Primary or Secondary? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| **Analytical Questions** | **Answer and Evidence** |
| Why was this source created? |  |
| When and Where was it created? |  |
| What is the main idea of this source? |  |
| Why is this source significant? |  |
| What connections can you make from this source to today/your personal life/other things you’ve learned? |  |

Answer in 3-5 sentences: Which of the 10 amendments do you think is the most important? WHY? Explain your reasoning.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Case One:** *Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, (1969).*

This case involved students who were forbidden by school officials to wear black armbands in school to protest the war in Viet Nam. It was the first student’s rights case to go before the U.S. Supreme Court.

In December 1965, a group of adults and students in Des Moines [Iowa] held a meeting at home. The group determined to publicize their objections to the hostilities in Viet Nam and their support for a truce by wearing black armbands during the holiday season the principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners [students] were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John *Tinker* wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired - that is, until after New Year's Day. As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to "pure speech" which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. These [Boards of Education] have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. Our problem lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities. The school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of interference with the schools' work or of collision with the rights of other students to be secure and to be let alone. Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the schools or any class was disrupted. Outside the classrooms, a few students made hostile remarks to the children wearing armbands, but there were no threats or acts of violence on school premises. [It was] concluded [by a lower court] that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands. But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk, and our history says that it is this sort of hazardous freedom – this kind of openness - that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious, society.

In order for school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in Viet Nam. It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol - black armbands worn to exhibit opposition to this Nation's involvement in Viet Nam - was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution Mr. Justice Brennan, speaking for the [Supreme] Court, said: "`the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.' The classroom is peculiarly the `marketplace of ideas.' The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth `out of a multitude of tongues, [rather] than through any kind of authoritative selection.'"A student's rights, therefore, do not embrace merely the classroom hours. When he is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Viet Nam, if he does so without "materially and substantially interfer[ing] with the requirements of appropriate discipline in the operation of the school" and without colliding with the rights of others. But conduct by the student, in class or out of it, which for any reason - whether it stems from time, place, or type of behavior materially disrupts class work or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech.

As we have discussed, the record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred.

**Case Two:** *Bethel School Dist. No. 403 v. Fraser, 478 U.S. 675 (1986).*

This case concerned a nomination speech that contained sexually explicit language given at a school assembly. The issue was whether standards applied to an adult making a political point also apply to a student speaking to a captive audience in a public school. [A] public high school student delivered a speech nominating a fellow student for a student elective office at a voluntary assembly that was held during school hours as part of a school-sponsored educational program in self government, and that was attended by approximately 600 students, many of whom were 14-year-olds. During the entire speech, [he] referred to his candidate in terms of an elaborate, graphic, and explicit sexual metaphor. Some of the students at the assembly hooted and yelled during the speech, some mimicked the sexual activities alluded to in the speech, and others appeared to be bewildered and embarrassed. Prior to delivering the speech, [he] discussed it with several teachers, two of whom advised him that *ACLU of Michigan* Free Speech and Freedom of Expression - Section 4 – 15 it was inappropriate and should not be given. The morning after the assembly, the Assistant Principal called [him] into her office and notified him that the school considered his speech to have been a violation of the school's "disruptive-conduct rule," which prohibited conduct that substantially interfered with the educational process, including the use of obscene, profane language or gestures. [He] was given copies of teacher reports of his conduct, and was given a chance to explain his conduct. After he admitted that he deliberately used sexual innuendo in the speech, he was informed that he would be suspended for three days, and that his name would be removed from the list of candidates for graduation speaker at the school's commencement exercises.

[A lower court ruled that the school had violated the student’s First Amendment rights and said the school could not prevent him from speaking at the commencement ceremonies. This decision was overturned by the U.S. Supreme Court. Edited excerpts from the Supreme Court decision continue below. They ruled that:] The First Amendment did not prevent the School District from disciplining respondent for giving the offensively lewd and indecent speech at the assembly. Under the First Amendment, the use of an offensive form of expression may not be prohibited to adults making what the speaker considers a political point, but it does not follow that the same latitude must be permitted to children in a public school. It is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse.

**Case Three:** *Engel v. Vitale*, 370, U.S. 421 (1962)

This case involved the reading of a prayer at school that was written by the school.

The issue was whether or not the prayer should be read even if it did not address a specific religion and even if the school allowed students to remain silent during the prayer. Because of the prohibition of the First Amendment against the enactment of any law "respecting an establishment of religion, state officials may not compose an official state prayer and require that it be recited in the public schools of the State at the beginning of each school day even if the prayer is denominationally neutral and pupils who wish to do so may remain silent or be excused from the room while the prayer is being recited.”

“Shortly after the practice of reciting the Regents' prayer was adopted by the School District, the parents of ten pupils brought this action in a New York State Court insisting that use of this official prayer in the public schools was contrary to the beliefs, religions, or religious practices of both themselves and their children.” They ruled that the schools could use “the Regents' prayer as a part of the daily procedures of its public schools so long as the schools did not compel any pupil to join in the prayer over his or his parents' objection.”

The Supreme Court overruled the decision and said, “by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause. There can, of course, be no doubt that New York's program of daily classroom invocation of God's blessings as prescribed in the Regents' prayer is a religious activity. It is a solemn avowal of divine faith and supplication for the blessings of the Almighty. The nature of such a prayer has always been religious; none of the respondents has denied this…the State's use of the Regents' prayer in its public school system breaches the constitutional wall of separation between Church and State. We agree with that contention, since we think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that, in this country, it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government.”

**Case Four:** *Cales v. Howell Public Schools, 635 F. Supp. 454 (E.D. Mich. 1985).*

This case involved a student who was found hiding behind cars in the school parking lot when she should have been in class. This caused the school administration to believe she may have been carrying drugs and therefore led to a search of her person.

*The following is a summary of the case and excerpt’s of the Court’s decision to allow this case to go to trial. A final ruling has not been made. No website is available for this case.*

In April 1980, Ruth Cales was 15 years of age and a 10th grade student at Howell High School in Howell, Michigan. At a time when she was required to be in school session, she was observed by the Howell High School security guard in the parking lot attempting to avoid detection by “ducking” behind a parked car. When confronted by the guard and asked to identify herself, she lied and told him the wrong name. Cales was subsequently taken to the office of the assistant principal where she was made to dump the contents of her purse on a desk, which included Howell High School “readmittance slips” which were improperly in her possession. Cales was then instructed to turn her jean pockets inside-out, and she subsequently completely removed her jeans. She was then required to bend over so that a female assistant principal could visually examine the contents of her brassiere. The basis for the search was the belief of one of the assistant principal’s that Cales was in possession of illegal drugs. At no time was Cales’ person or body touched in any manner.

The Supreme Court in New Jersey v. T.L.O. articulated the standard to be applied in deciding whether the search of a student by school officials violates his or her Fourth Amendment rights, stating: Under ordinary circumstances, a search of a student by a teacher or other school official will be “justified at its inception” when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Cales was observed ducking behind a car in the Howell High School parking lot at the time she should have been in school. When questioned by a security guard, she gave a false name. Based on this conduct, the assistant principal concluded that Cales was involved in drugs and should be searched. It is clear that Cales’ conduct created reasonable grounds for suspecting that some school rule or law had been violated. However, it does not create a reasonable suspicion that a search would turn up evidence of drug usage. Cales’ conduct could have indicated that she was truant, or that she was stealing hubcaps, or that she had left class to meet a boyfriend. In short, it could have signified that Cales had violated any of an infinite number of laws or school rules. This Court does not read T.L.O. so broadly as to allow a school administrator the right to search a student because that student acts in such a way so as to create a reasonable suspicion that the student has violated some rule or law. Rather, the burden is on the administrator to establish that the student’s conduct is such that it creates a reasonable suspicion that a specific rule or law has been violated and that a search could reasonably be expected to produce evidence of that violation. For the reasons set forth above, Howell Public Schools and the assistant principal will not be dismissed from this case and it may proceed to trial.

**Fishbowl**

Rationale:

The “fishbowl” is a teaching strategy that helps students practice being contributors and listeners in a discussion. Students ask questions, present opinions, and share information when they sit in the “fishbowl” circle, while students on the outside of the circle listen carefully to the ideas presented and pay attention to process.  Then the roles reverse. This strategy is especially useful when you want to make sure all students participate in the discussion, when you want to help students reflect on what a “good discussion” looks like, and when you need a structure for discussing controversial or difficult topics. Fishbowls make excellent pre-writing activities, often unearthing questions or ideas that students can explore more deeply in an independent assignment.

Procedure:

**Step one: Selecting a topic for the fishbowl**

Almost any topic is suitable for a fishbowl discussion. The most effective prompts (question or text) do not have one right answer, but rather allow for multiple perspectives and opinions.  The fishbowl is an excellent strategy to use when discussing dilemmas, for example.

**Step two: Setting up the room**

A fishbowl requires a circle of chairs (“the fishbowl”) and enough room around the circle for the remaining students to observe what is happening in the “fishbowl.”  Sometimes teachers place enough chairs for half of the students in the class to sit in the fishbowl, while other times teachers limit the chairs in the fishbowl. Typically six to twelve chairs allows for a range of perspectives while still allowing each student an opportunity to speak.  The observing students often stand around the fishbowl.

**Step three: Preparation**

Like many structured conversations, fishbowl discussions are most effective when students have had a few minutes to prepare ideas and questions in advance.

**Step four: Discussing norms and rules of the discussion**

There are many ways to structure a fishbowl discussion. Sometimes teachers have half the class sit in the fishbowl for 10-15 minutes and then say “switch,” at which point the listeners enter the fishbowl and the speakers become the audience. Another common fishbowl format is the “tap” system, where students on the outside of the fishbowl gently tap a student on the inside, indicating that they should switch roles. See the variations section for more ideas about how to structure this activity.

Regardless of the particular rules you establish, you want to make sure these are explained to students beforehand. You also want to provide instructions for the students in the audience. What should they be listening for? Should they be taking notes? Before beginning the fishbowl, you may wish to review guidelines for having a respectful conversation. Sometimes teachers ask audience members to pay attention to how these norms are followed by recording specific aspects of the discussion process such as the number of interruptions, respectful or disrespectful language used, or speaking times (Who is speaking the most? The least?)

**Step five: Debriefing the fishbowl discussion**

After the discussion, you can ask students to reflect on how they think the discussion went and what they learned from it.  Students can also evaluate their participation as listeners and as participants. They could also provide suggestions for how to improve the quality of discussion in the future.  These reflections can be in writing, or can be structured as a small or large group conversation.

Variations:

**1) A fishbowl for opposing positions**

This is a type of group discussion that can be utilized when there are two distinct positions or arguments. Each group has an opportunity to discuss the issue while the other group observes. The goal of this technique is for one group to gain insight about the other perspective by having this opportunity to listen and formulate questions. After both sides have shared and listened, students are often given the opportunity to discuss their questions and ideas with students representing the other side of the argument.

**2) A fishbowl for multiple perspectives**

This format allows students to look at a question or a text from various perspectives. First, assign perspectives to groups of students. These perspectives could represent the viewpoints of different historical figures, characters in a novel, social categories (e.g. young, old, male, female, working-class laborer, industrialist, peasant, noble, soldier, priest, etc.), or political/philosophical points of view.  Each group discusses the same question, event or text representing their assigned perspective.  The goal of this technique is for students to consider how perspective shapes meaning-making. After all groups have shared, students can be given the opportunity to discuss their ideas and questions with peers from other groups.

Lesson 4 – The Constitutionality of the Patriot Act

**Brief Overview:** Students will explore the meaning and role of the Patriot Act**.**

**Prior Knowledge Required:** Students should at least have background knowledge of some of the rights and responsibilities that students and citizens, and the role of the constitution.

**Estimated Time:** 45 minutes (1 class period)

**Resources for Lesson:** <http://www.teachablemoment.org/high/patriotism.html>

<http://www.nytimes.com/2001/10/13/us/nation-challenged-congress-house-passes-terrorism-bill-much-like-senate-s-but.html?ref=usapatriotact&pagewanted=print>

<http://topics.nytimes.com/top/reference/timestopics/subjects/u/usa_patriot_act/index.html>

<http://www.justice.gov/archive/ll/highlights.htm>

**Content Area/Course:** US Social Studies

**Unit:** Constitutional Rights

**Time (minutes):** 2/45-55 minutes classes (2 class periods)

**Lesson:** The Constitutionality of the Patriot Act

**Overview:** Students will explore the meaning and role of the Patriot Act

*By the end of this lesson students will know and be able to:*

Define several key terms and concepts relating to the Patriot Act

Categorize situation examples as either representing freedom or security and place on a spectrum

Justify their opinion on patriotism and civil liberties

Mark up both primary and secondary articles about the Patriot Act

Analyze sections of the Patriot Act

Determine controversies of the Patriot Act

**Essential Question addressed in this lesson:**

What is freedom?

What is security?

How much should individual liberties be sacrificed in order to protect our freedom?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.

**USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public.

**USI.25** Trace the influence and ideas of Supreme Court Chief Justice John Marshall and the importance of the doctrine of judicial review as manifested in *Marbury v. Madison* (1803). (H, C).

**Instructional Resources/Tools**

White or chalk board, television, teacher’s domain video, projector screen or individual machines, paper, pens, pencils, and copies of articles and graphic organizers.

Anticipated Student Preconceptions/Misconceptions

Freedom versus security

Patriotism can be good and bad

Terrorism is no longer a threat in the US

September 11th is no longer a relevant event in our daily lives

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see link below):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

2. Scaffolding: Word Bank provided for Progress Document

Graphic Organizer for Summative Assessment

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

Pre-Assessment

List of scenarios that are labeled as either patriotic or unpatriotic with summary

Spectrum of liberty versus security situations

Concept Event Map of the Patriot Act

Key terms and illustrations of important ideas from the Patriot Act

Graphic organizer of the 10 sections of the Patriot Act with positives and negatives for each issue

What students need to know and are able to do coming into this lesson (including language needs):

Background knowledge of the failure of the Articles of Confederation

Familiarity with the Constitution Convention and compromises that were made when designing the Constitution

The definitions of the three branches of government and their role in a democracy

The definition of democracy

The definition of patriotism

**Information for Teacher**

Resources on Patriotism:

<http://www.teachablemoment.org/high/patriotism.html>

Article on the day after the Act was passed:

<http://www.nytimes.com/2001/10/13/us/nation-challenged-congress-house-passes-terrorism-bill-much-like-senate-s-but.html?ref=usapatriotact&pagewanted=print>

Article on the renewal of the Patriot Act:

<http://topics.nytimes.com/top/reference/timestopics/subjects/u/usa_patriot_act/index.html>

Department of Justice highlights of the Patriot Act:

<http://www.justice.gov/archive/ll/highlights.htm>

**Lesson Sequence**

**1) Opener**

Define the term “patriot” and provide an example

**2) Anticipation Guide**

Students will be given a list of ten scenarios. For each example, they must decide if this is an act that is “patriotic” or “unpatriotic.”

Students will discuss their responses with a partner, and try to reach a consensus

As a class, the teacher will pick a few examples to share answers and discuss

Summary: students will respond to the prompt: when is patriotism a good/bad thing?

**3) Spectrum**

Students define the terms “liberty” and security”

Using similar examples from the last activity, students will be given a series of terms/situations. They must place these terms on a spectrum, ranging from “liberty” to “security.”

They will write an explanation for their placement for each item on the spectrum

After placing the items on the spectrum by themselves, in small groups of four they will make a new spectrum, coming to an agreement as a group

After the group has finished, the class will debrief the challenge of this type of activity, and how difficult it can be to reach a group consensus

Answer:

1. What are you willing to give up to be safe?
2. Can a free person do whatever they want?
3. Does freedom have limits?
4. Who decides what those limits are?

**4) Introduction to the Patriot Act**

Students will define the acronym for the Patriot Act

They will read an article summarizing the background, creation, structure and controversy of the Patriot Act

As students read this article, they will mark it up

After marking it up, students will complete a “Concept/Event” map of the Patriot Act, answering who, what, where, when, why, and how.

Students will define and illustrate key terms from the Patriot Act

**5) Inquiry on the Patriot Act**

In groups, students will read selected highlights of the Patriot Act and answer guided reading questions about their section

They will record pro/con notes for their section

As a class they will share out their work, listing a summary of the major points and the pro/con for other sections

They will gather evidence on each issue’s connection to liberty and security and how each issue could be seen as a pro or a con

Summary: What is the Patriot Act? What do you think of this Act? What further evidence do we need to decide if this Act is in defense of individual liberty or our collective security?

**6) Writing assessment**

Opinion: do you think it is worth sacrificing your civil liberties in order to prevent terrorism? How much personal freedom are you willing to give up? How has your definition of freedom changed in light of protecting the general welfare? Does the Patriot Act go too far in defending our security, at the cost of protecting our individual liberties?

**Formative assessment:**

Does freedom have limits?

When is patriotism a good/bad thing?

What is the Patriot Act?

**Preview outcomes for the next lesson**:

Identify key features of an argument.

Analyze how an author’s ideas or claims are developed.

Identify aspects of a text that reveal an author’s point of view or purpose.

Write arguments clearly using sufficient evidence to support a claim.

Present information, findings, and supporting evidence such that listeners can follow the line of reasoning.

**Summative Assessment:**

Opinion: Do you think it is worth sacrificing your civil liberties in order to prevent terrorism?

How much personal freedom are you willing to give up?

How has your definition of freedom changed in light of protecting the general welfare?

Does the Patriot Act go too far in defending our security, at the cost of protecting out individual liberties?

**Resources for Lesson 4**



**Highlights of the USA PATRIOT Act: Preserving Life and Liberty**   
(Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism)

**Congress enacted the Patriot Act by overwhelming, bipartisan margins, arming law enforcement with new tools to detect and prevent terrorism:** The USA Patriot Act was passed nearly unanimously by the Senate 98-1, and 357-66 in the House, with the support of members from across the political spectrum.

**The Act Improves Our Counter-Terrorism Efforts in Several Significant Ways:**

**1. The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking.** Many of the tools the Act provides to law enforcement to fight terrorism have been used for decades to fight organized crime and drug dealers, and have been reviewed and approved by the courts. As Sen. Joe Biden (D-DE) explained during the floor debate about the Act, "the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What's good for the mob should be good for terrorists." (Cong. Rec., 10/25/01)

* **Allows law enforcement to use surveillance against more crimes of terror.** Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing.
* **Allows federal agents to follow sophisticated terrorists trained to evade detection.** For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security investigations to track terrorists.
* **Allows law enforcement to conduct investigations without tipping off terrorists.** In some cases if criminals are tipped off too early to an investigation, they might flee, destroy evidence, intimidate or kill witnesses, cut off contact with associates, or take other action to evade arrest. Therefore, federal courts in narrow circumstances long have allowed law enforcement to delay for a limited time when the subject is told that a judicially-approved search warrant has been executed. Notice is always provided, but the reasonable delay gives law enforcement time to identify the criminal's associates, eliminate immediate threats to our communities, and coordinate the arrests of multiple individuals without tipping them off beforehand. These delayed notification search warrants have been used for decades, have proven crucial in drug and organized crime cases, and have been upheld by courts as fully constitutional.
* **Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases.** Examining business records often provides the key that investigators are looking for to solve a wide range of crimes. Investigators might seek select records from hardware stores or chemical plants, for example, to find out who bought materials to make a bomb, or bank records to see who's sending money to terrorists. Law enforcement authorities have always been able to obtain business records in criminal cases through grand jury subpoenas, and continue to do so in national security cases where appropriate. These records were sought in criminal cases such as the investigation of the Zodiac gunman, where police suspected the gunman was inspired by a Scottish occult poet, and wanted to learn who had checked the poet's books out of the library. In national security cases where use of the grand jury process was not appropriate, investigators previously had limited tools at their disposal to obtain certain business records. Under the Patriot Act, the government can now ask a federal court (the Foreign Intelligence Surveillance Court), if needed to aid an investigation, to order production of the same type of records available through grand jury subpoenas. This federal court, however, can issue these orders only after the government demonstrates the records concerned are sought for an authorized investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely on the basis of activities protected by the First Amendment.

**2. The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots."** The Act removed the major legal barriers that prevented the law enforcement, intelligence, and national defense communities from talking and coordinating their work to protect the American people and our national security. The government's prevention efforts should not be restricted by boxes on an organizational chart. Now police officers, FBI agents, federal prosecutors and intelligence officials can protect our communities by "connecting the dots" to uncover terrorist plots before they are completed. As Sen. John Edwards (D-N.C.) said about the Patriot Act, "we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing" (Press release, 10/26/01)

* Prosecutors and investigators used information shared pursuant to section 218 in investigating the defendants in the so-called “Virginia Jihad” case. This prosecution involved members of the Dar al-Arqam Islamic Center, who trained for jihad in Northern Virginia by participating in paintball and paramilitary training, including eight individuals who traveled to terrorist training camps in Pakistan or Afghanistan between 1999 and 2001. These individuals are associates of a violent Islamic extremist group known as Lashkar-e-Taiba (LET), which operates in Pakistan and Kashmir, and that has ties to the al Qaeda terrorist network. As the result of an investigation that included the use of information obtained through FISA, prosecutors were able to bring charges against these individuals. Six of the defendants have pleaded guilty, and three were convicted in March 2004 of charges including conspiracy to levy war against the United States and conspiracy to provide material support to the Taliban. These nine defendants received sentences ranging from a prison term of four years to life imprisonment.

**3. The Patriot Act updated the law to reflect new technologies and new threats.** The Act brought the law up to date with current technology, so we no longer have to fight a digital-age battle with antique weapons-legal authorities leftover from the era of rotary telephones. When investigating the murder of *Wall Street Journal* reporter Daniel Pearl, for example, law enforcement used one of the Act's new authorities to use high-tech means to identify and locate some of the killers.

* **Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred.** Before the Patriot Act, law enforcement personnel were required to obtain a search warrant in the district where they intended to conduct a search. However, modern terrorism investigations often span a number of districts, and officers therefore had to obtain multiple warrants in multiple jurisdictions, creating unnecessary delays. The Act provides that warrants can be obtained in any district in which terrorism-related activities occurred, regardless of where they will be executed. This provision does not change the standards governing the availability of a search warrant, but streamlines the search-warrant process.
* **Allows victims of computer hacking to request law enforcement assistance in monitoring the "trespassers" on their computers.** This change made the law technology-neutral; it placed electronic trespassers on the same footing as physical trespassers. Now, hacking victims can seek law enforcement assistance to combat hackers, just as burglary victims have been able to invite officers into their homes to catch burglars.

**4. The Patriot Act increased the penalties for those who commit terrorist crimes.** Americans are threatened as much by the terrorist who pays for a bomb as by the one who pushes the button. That's why the Patriot Act imposed tough new penalties on those who commit and support terrorist operations, both at home and abroad. In particular, the Act:

* **Prohibits the harboring of terrorists.** The Act created a new offense that prohibits knowingly harboring persons who have committed or are about to commit a variety of terrorist offenses, such as: destruction of aircraft; use of nuclear, chemical, or biological weapons; use of weapons of mass destruction; bombing of government property; sabotage of nuclear facilities; and aircraft piracy.
* **Enhanced the inadequate maximum penalties for various crimes likely to be committed by terrorists**: including arson, destruction of energy facilities, material support to terrorists and terrorist organizations, and destruction of national-defense materials.
* **Enhanced a number of conspiracy penalties**, including for arson, killings in federal facilities, attacking communications systems, material support to terrorists, sabotage of nuclear facilities, and interference with flight crew members. Under previous law, many terrorism statutes did not specifically prohibit engaging in conspiracies to commit the underlying offenses. In such cases, the government could only bring prosecutions under the general federal conspiracy provision, which carries a maximum penalty of only five years in prison.
* **Punishes terrorist attacks on mass transit systems.**
* **Punishes bioterrorists.**
* **Eliminates the statutes of limitations for certain terrorism crimes and lengthens them for other terrorist crimes.**

The government's success in preventing another catastrophic attack on the American homeland since September 11, 2001, would have been much more difficult, if not impossible, without the USA Patriot Act. The authorities Congress provided have substantially enhanced our ability to prevent, investigate, and prosecute acts of terror.

**Patriotic or Unpatriotic? You decide!**

Define patriot and provide an example:

Directions: For each of the following situations, decide if you think it is patriotic (P) or unpatriotic (U). Circle your answer. Be prepared to defend your answers!

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 1. Volunteering to join the military.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 2. Saying the “Pledge of Allegiance” every morning at school.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 3. Checking legal documentation for every immigrant you meet.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 4. Attacking another country before they attack you to protect yourself.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 5. Burning an American flag to protest a government action.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 6. Criticizing the government about their actions in a newspaper.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 7. Fighting against your own government if it is corrupt.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 8. Protesting in front of the White House against the President.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 9. Supporting that every citizen, even a suspected terrorists, deserves a fair trial.

P\_\_\_\_\_\_ U\_\_\_\_\_\_ 10. Being arrested for standing up for your beliefs, even if they break the law.

Share your responses with a partner. Which ones do you agree/disagree on?

Summary: when is patriotism a good thing? When is it a bad thing?

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Period:\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Directions: Place the following terms on the spectrum\* below. Explain whether each idea relates to personal liberty or national security, and to what degree. Check it off once you have put it on!

**\_\_\_Flag burning \_\_\_Terrorism \_\_\_Access to all records \_\_\_Freedom of speech**

**\_\_\_Protesting \_\_\_Wiretapping \_\_\_Information sharing \_\_\_Military**

**\_\_\_Warrants \_\_\_Border protection \_\_\_\_\_Surveillance \_\_\_Intelligence gathering**

**\***a broad range of varied but related ideas or objects, the individual features of which tend to overlap so as to form a continuous series or sequence: the spectrum of political beliefs.(dictionary.reference.com)

**SECURITY**

**LIBERTY**

**Summary of the Patriot Act**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **TITLE** | **Summary** | **Pro** | **Con** | **Comments/Questions/**  **Connections** |
| **1 –**  **ENHANCING DOMESTIC SECURITY AGAINST TERRORISM** |  |  |  |  |
| **2 -**  **ENHANCED SURVEILLANCE PROCEDURES** |  |  |  |  |
| **3 –**  **INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTITERRORIST**  **FINANCING ACT OF 2001** |  |  |  |  |
| **4 –**  **PROTECTING THE BORDER** |  |  |  |  |
| **5 -**  **REMOVING OBSTACLES TO INVESTIGATING TERRORISM** |  |  |  |  |
| **6 –**  **PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES** |  |  |  |  |
| **7 –**  **INCREASED INFORMATION SHARING FOR CRITICAL**  **INFRASTRUCTURE PROTECTION** |  |  |  |  |
| **8 –**  **STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM** |  |  |  |  |
| **9 –**  **IMPROVED INTELLIGENCE** |  |  |  |  |
| **10 –**  **MISCELLANEOUS** |  |  |  |  |

Summary: What is the Patriot Act? What do you think of this Act? What further evidence do we need to decide if this Act is in defense of individual liberty or our collective security?

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Period: \_\_\_\_\_\_\_\_\_\_

**U.S. History I – Chapter 8 Section 4 Key Terms - 284**

|  |  |  |  |
| --- | --- | --- | --- |
| **TERM** | **DEFINITION – IN YOUR OWN WORDS** | **PICTURE/SYMBOL** | **THIS IS IMPORTANT/INTERESTING BECAUSE…** |
| **Free Blacks** |  |  |  |
| **Nat Turner** |  |  |  |
| **Underground Railroad** |  |  |  |
| **Harriet Tubman** |  |  |  |
| **Abolition Movement** |  |  |  |
| **William Lloyd Garrison** |  |  |  |
| **Frederick Douglass** |  |  |  |

Lesson 5 – Reading and Writing Closing Arguments

**Brief Overview:** Students will be able to identify argumentative aspects of a text and analyze how author’s ideas or claims are developed.

**Prior Knowledge Required:** Students should have knowledge of argumentative writing skills that can be used to efficiently present knowledge. Students should also have the ability to read and identify aspects of texts that reveal an author’s point of view or purpose.

**Estimated Time:** 45 minutes (1 class period)

**Resources for Lesson:** <http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html>

<http://supreme.justia.com/cases/federal/us/515/646/case.html>

**Content Area/Course:** US Social Studies

**Unit:** Constitutional Rights

**Time (minutes):** 45minutes (1 class period)

**Lesson:** Reading and Writing Closing Arguments

**Overview:** Students will be able to identify argumentative aspects of a text and analyze how author’s ideas or claims are developed.

*By the end of this lesson students will know and be able to:*

Identify key features of a legal closing argument as a `persuasive’ text.

Write a legal arguments clearly using sufficient evidence to support a claim.

Present information, findings, and supporting evidence such that listeners can follow the line of reasoning.

**Essential Question addressed in this lesson:**

What is a legal closing argument?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.9** Explain the reasons for the passage of the Bill of Rights. (H, C)

1. The influence of the British concept of limited government.
2. The particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes.

Seminal Primary Documents to Read: the Bill of Rights (1791)

Seminal Primary Documents to Consider: Magna Carta (1215) and the English Bill of Rights (1689)

**USI.13** Explain why the United States government is classified as a democratic government. (H, C)

**USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.

**USI.19** Explain the rights and the responsibilities of citizenship and describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties, and interest groups.

**USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public.

**MA English Language Arts Curriculum Framework Standards**

**ELA9-10.RH.4** Determine the meaning of words and phrases as they used in a text, including vocabulary describing political, social or economic aspects of history/social studies.

**ELA9-10.RH.5** Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

**ELA9-10.RI.2** Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

**ELA9-10.RI.5** Analyze in detail how an author’s ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text (e.g., a section or chapter).

**ELA9-10.W.1** Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

**ELA9-10.W.4** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.)

**Instructional Resources/Tools**

White or chalk board, television, teachers domain video, projector screen or individual machines, paper, pens, pencils, New York times handout of case, key ideas embedded in a legal closing argument, original text of a legal closing argument, and anchor chart of key features of an argument.

Anticipated Student Preconceptions/Misconceptions

Misconceptions might be held about the structure and organization of a legal argument.

The importance of word choice and organization in writing a clear argument.

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see link below):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

2. Scaffolding: Word Bank provided for Progress Document

Graphic Organizer for Summative Assessment

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

4. Have students analyze cases from the nytimes website.

Pre-Assessment

Anchor charts – shared work

Jigsaw conversations (see link):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

Summaries of key ideas

What students need to know and are able to do coming into this lesson (including language needs):

Know the rights and responsibilities of a U.S. citizen.

Discuss a topic in a small and large group.

Students should have background knowledge of what rights, a citizen and a government is and some of the characteristics of each.

**Information for Teacher**

Numerous articles from New York Times:

<http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html>

Numerous cases for discussion:

<http://supreme.justia.com/cases/federal/us/515/646/case.html>

**Lesson Sequence**

1. Introduce background for Veronia School District v. Acton, (1995) naming the ‘Issue’ and the ‘Bottom Line’:
2. Hand out, and read out loud the background to the case: [text from nytimes website]
3. Ask students to turn and talk: predict what do you think the ruling of the Supreme Court was in this case and why?
4. Have students briefly report out their thinking.
5. Hand out, and read out loud the ruling in the case:
6. Using anchor chart of Features of Written Arguments (from previous lesson),
7. Identify: claim, reasons, and conclusion in the following excerpt of the ruling:
8. Identify the reasons to their claim; (reviewing the term Reason on the anchor chart): --Note: Use jigsaw, asking each group to briefly summarize the reason they are given (e.g. 1-2 sentences). Note that the reasons a-d (see resource section) vary in complexity. So text should be matched to students as appropriate.
9. Have students post their summaries of the reasons they read.
10. Ask students to write a brief conclusion – reviewing the definition of Conclusion on the anchor chart.
11. Show students the Court’s actual conclusion, and discuss the meaning of the terminology `vacated’ and `remanded’.
12. Ask students to compare their conclusion with the court’s conclusion.
13. Ask students: is the language and structure of this ruling and its elements - claim, reasons (arguments), conclusion -- accessible to them? Why or why not? What language and techniques are used in this document, e.g. organization, word choice?
14. Reflection question: Which reason/s are most convincing? Is there a relationship among the reasons? (E.g. are they dependent on each other?)
15. Expand and add to this mini-lesson as necessary: using the websites: <http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html>

and

<http://supreme.justia.com/cases/federal/us/515/646/case.html>

Repeat the mini-lesson as needed.

**Formative assessment:**

Use your notes from today’s lesson to answer the following question:

What is the purpose of government?

**Preview outcomes for the next lesson**:

Define of bias, source, and reliable primary and secondary sources.

Critically think about Websites questions after viewing two different fake websites.

Mark up the text of Evaluating Web Pages Checklist to identify most important skills.

Identify and explain Primary and Secondary sources example review sheet.

Answer Reliable Resources questions about the main websites they use for research.

Collect research data

**Summative Assessment:**

Rewrite of a legal argument

**Resources for Lesson 5**

***Veronia School District v. Acton, (1995) naming the ‘Issue’ and the ‘Bottom Line’:***

**Issue:** Student Athletes and Drug Testing

**Bottom** Line: Schools can require It

**Background of the case: [text from nytimes website:** <http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html> **]**

James Acton, a 12-year-old seventh-grader at Washington Grade School in Vernonia, Oregon, wanted to try out for the football team. His school required all student athletes to take drug tests at the beginning of the season and on a random basis during the school year. James's parents refused to let him be tested because, they said, there was no evidence that he used drugs or alcohol. The school suspended James from sports for the season. He and his parents sued the school district, arguing that mandatory drug testing without suspicion of illegal activity constituted an unreasonable search under the Fourth Amendment.

**Ruling**

The Supreme Court ruled in favor of the school district. Schools must balance students' right to privacy against the need to make school campuses safe and keep student athletes away from drugs, the Court said. The drug-testing policy, which required students to provide a urine sample, involved only a limited invasion of privacy, according to the Justices: "Students who voluntarily participate in school athletics have reason to expect intrusions upon normal rights and privileges, including privacy."

The Court noted that all students surrender some privacy rights while at school: They must follow school rules and submit to school discipline. But student athletes have even fewer privacy rights, the Justices said, and must follow rules that don't apply to other students. Joining a team usually requires getting a physical exam, obtaining insurance coverage, and maintaining a minimum grade point average. And athletes must be willing to shower and change in locker rooms, further reducing their privacy. "School sports are not for the bashful," the Court said.

**1. The CLAIM**

Held: The Policy is constitutional under the Fourth and Fourteenth Amendments.

Note that the reasons a-d vary in complexity. So text should be matched to students as appropriate.

(a) State-compelled collection and testing of urine constitutes a "search" under the Fourth Amendment. Skinner v. Railway Labor Executives' Assn., [489 U. S. 602](http://supreme.justia.com/cases/federal/us/489/602/case.html), 617. Where there was no clear practice, either approving or disapproving the type of search at issue, at the time the constitutional provision was enacted, the "reasonableness" of a search is judged by balancing the intrusion on the individual's Fourth Amendment interests against the promotion of legitimate governmental interests. Pp. 652-654.

(b) The first factor to be considered in determining reasonableness is the nature of the privacy interest on which the search intrudes. Here, the subjects of the Policy are children who have been committed to the temporary custody of the State as schoolmaster; in that capacity, the State may exercise a degree of supervision and control greater than it could exercise over free adults. The requirements that public school children submit to physical examinations and be vaccinated indicate that they have a lesser privacy expectation with regard to medical examinations and procedures than the general population. Student athletes have even less of a legitimate privacy expectation, for an element of communal undress is inherent in athletic participation, and athletes are subject to preseason physical exams and rules regulating their conduct. …

(c) The privacy interests compromised by the process of obtaining urine samples under the Policy are negligible, since the conditions of collection are nearly identical to those typically encountered in public restrooms. In addition, the tests look only for standard drugs, not medical conditions, and the results are released to a limited group. Pp. 658-660.

(d) The nature and immediacy of the governmental concern at issue, and the efficacy of this means for meeting it, also favor a finding of reasonableness. The importance of deterring drug use by all this Nation's schoolchildren cannot be doubted. Moreover, the Policy is directed more narrowly to drug use by athletes, where the risk of physical harm to the user and other players is high. The District Court's conclusion that the District's concerns were immediate is not clearly erroneous, and it is self-evident that a drug problem largely caused by athletes, and of particular danger to athletes, is effectively addressed by ensuring that athletes do not use drugs. The Fourth Amendment does not require that the "least intrusive" search be conducted, so respondents' argument that the drug testing could be based on suspicion of drug use, if true, would not be fatal; and that alternative entails its own substantial difficulties. …

**Conclusion:**

[23 F.3d 1514](http://cases.justia.com/us-court-of-appeals/F3/23/1514/), vacated and remanded.

**Reflection question:** Which reason/s are most convincing? Is there a relationship among the reasons? (E.g. are they dependent on each other?)

Use the following resources to expand and add to this mini-lesson as necessary: <http://www.nytimes.com/learning/teachers/featured_articles/20080915monday.html>

<http://supreme.justia.com/cases/federal/us/515/646/case.html>

Lesson 6 – Tools and Strategies for Crafting, Writing and Presenting Arguments

**Brief Overview:** Students will learn to identify primary and secondary sources to support their writing.

**Prior Knowledge Required:** Students should at least have background knowledge of how to identify argumentative aspects of a text and analyze how author’s ideas or claims are developed.

**Estimated Time:** 2-3 class periods

**Resources for Lesson:** <http://writing.colostate.edu/guides/reading/toulmin/list10.cfm>

<http://kellygallagher.org/resources/articles.html>

<http://www.teachertube.com/viewVideo.php?title=Argument_linic&video_id=47070>

**Content Area/Course:** US Social Studies

**Unit:** Constitutional Rights

**Time (minutes):** 2-3 class periods

**Lesson:** Tools and Strategies for Crafting, Writing and Presenting Arguments

**Overview:** Students will learn to identify primary and secondary sources to support their writing.

*By the end of this lesson students will know and be able to:*

Identify key features of an argument

Analyze how an author’s ideas or claims are developed

Identify aspects of a text that reveal an author’s point of view or purpose

Write a legal arguments clearly using sufficient evidence to support a claim.

Present information, findings, and supporting evidence such that listeners can follow the line of reasoning.

**Essential Question addressed in this lesson:**

What is an argument?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.9** Explain the reasons for the passage of the Bill of Rights. (H, C)

1. The influence of the British concept of limited government.
2. The particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes.

Seminal Primary Documents to Read: the Bill of Rights (1791)

Seminal Primary Documents to Consider: Magna Carta (1215) and the English Bill of Rights (1689)

**USI.13** Explain why the United States government is classified as a democratic government. (H, C)

**USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.

**USI.19** Explain the rights and the responsibilities of citizenship and describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties, and interest groups.

**USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public.

**MA English Language Arts Curriculum Framework Standards**

**ELA9-10.RH.4** Determine the meaning of words and phrases as they used in a text, including vocabulary describing political, social or economic aspects of history/social studies.

**ELA9-10.RH.5** Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

**ELA9-10.RI.2** Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

**ELA9-10.RI.5** Analyze in detail how an author’s ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text (e.g., a section or chapter).

**ELA9-10.W.1** Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

**ELA9-10.W.4** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.)

**Instructional Resources/Tools**

White or chalk board, television, teachers domain video, projector screen or individual machines, paper, pens, pencils, copies of articles, graphic organizers and visual media examples.

Anticipated Student Preconceptions/Misconceptions

Writing helps clarify thinking.

An opinion is an argument.

An effective claim or argument includes specific elements.

Defending a claim orally raises awareness or differences between speaking and writing.

The importance of word choice in both writing and speaking.

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see link below):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

2. Scaffolding: Use Anticipation Guide (see recourse section)

Graphic Organizer for Summative Assessment

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

4. Have students act out dialogues recorded in Garage Band

Teacher creates with students a Venn diagram comparing features of oral and written arguments.

Have students rewrite the piece *Is Lowering the Drinking Age a Good Idea?*

Create a chart or hand-outs with definitions using the following website:

<http://kellygallagher.org/resources/articles.html>

Pre-Assessment

Individual responses

Anticipation guide

Jigsaw conversations and note-taking

Think-pair share converstions

What students need to know and are able to do coming into this lesson (including language needs):

Determine the central idea of a text and how it is conveyed through particular details

Delineate a speaker’s argument and specific claims, distinguishing between claims that are supported by reasons and evidence from claims that are not

**Information for Teacher**

Text:

<http://writing.colostate.edu/guides/reading/toulmin/list10.cfm>

Nancie Atwell describes the use of mentor texts to tease out features of a particular genre in Lessons that Change Writers (Portsmouth, NH: Heinemann, 2002)

Text selections from Kelly Gallagher’s website:

<http://kellygallagher.org/resources/articles.html>

The Monty Python video clip:

<http://www.teachertube.com/viewVideo.php?title=Argument_linic&video_id=47070>

**Lesson Sequence**

**DAY 1: WHAT IS AN OPINION?**

1. Teacher asks students if they have any opinions. Students give feedback. Teacher records opinions on chart paper.

2. Teacher explains that students are going to form a definition of `opinion’ from a text they are going to read.

3. Using the *Anticipation Guide* the teacher models using the first statement, i.e. modeling where students should put the `my opinion’ answer.

4. Students complete `my opinion’ answers, and then confer within a group. They discuss each statement until they come to a consensus and then fill in the group’s opinion. Groups share out their consensus.

5. Then teacher provides the text which the anticipation guide is based on; the author’s opinion is stated in this text. The teacher then explains to students that they will read and review each statement in the anticipation guide, discussing the author’s opinion about each statement. Then they will record their understandings of the author’s opinions.

6. Groups share out their understandings about the author’s opinions.

7. Each group shares their thinking about the factors that contribute to forming an opinion. They review the opinion they expressed at the beginning of the lesson, and hold a short summarizing discussion about whether their concept of what an opinion is has changed.

DAY 2: FEATURES OF ARGUMENTS IN WRITTEN TEXTS

1. Teacher explains that students will create a definition of an argument, and tease out the features of argument writing.

2. Students view Monty Python video clip about arguments. Teacher tells students that the purpose of viewing is to listen for any definitions of argument.

3. Students view video clip for a second time, jotting down definitions they think they hear, responding to the prompt: “What definition of argument can you take away from this video clip?”

4. Teacher provides a piece of text – *Is Lowering The Drinking Age a Good Idea?*  containing the essential features of an argument: *claim, reasons, evidence, counter-argument, and conclusion.* To segue the definition of opinion and argument, teacher explains that opinions are the first step in building an argument.

5. Teacher asks the students to listen for and notice the author’s opinion when s/he reads the text aloud. Students think-pair-share and report out.

6. Teacher then models finding examples of elements of written arguments in the text, explaining what each element is: *claim, reasons, evidence, counter-argument, and conclusion.*

7. Students briefly discuss how the elements of argument are more well-developed and supported than an opinion.

8. Teacher creates anchor chart entitled *Features of Arguments.*

9. Students are given a piece of text: *Social Websites Hurt Children’s Brains: Chilling Warning to parents from Top Neuroscientist.* Working in pairs, they identify the features of argument writing and report out their findings.

**DAY 3: FEATURES OF ORAL ARGUMENTS IN VISUAL MEDIA**

1. Teacher explains that students will look for the features of argument writing that are presented orally. Teacher will need to select video clips, for example from the following PBS programs:

Washington Week:

<http://www.pbs.org/weta/washingtonweek/>

The Mclaughlin Group

<http://www.mclaughlin.com/>

2. Students watch video clips.

3. In small groups, students look for elements of argument writing that they hear in oral arguments, and take notes. (referring to anchor chart of definitions)

4. Students also note any physical and visual elements that contribute to an oral argument.

4. Students report out and discuss, reviewing video clip as needed.

5. Teacher replays Monty Python argument video clip from beginning of lesson plan sequence. Students are told that the purpose of viewing is to look again for any features of an argument they see, using the anchor chart definitions.

6. Students turn and talk and report out.

7. Students are asked to write and present a 1-2 minute dialogue which uses the anchor chart definitions of argument to explain what an argument is.

8. Students create a rubric to peer-assess dialogues, including elements of argument writing and optionally physical and visual elements that may contribute to expressing arguments.

9. Students present and peer-assess dialogues.

**Formative assessment:**

Use your notes from today’s lesson to answer the following question:

What is the purpose of government?

**Preview outcomes for the next lesson**:

Graphic organizer determining each group’s talking points during the presentation.

Written self-reflection on presentation and committee meeting.

Persuasive writing on the student’s opinion of the Patriot Act.

**Summative Assessment:**

Written and performed dialogue

Oral comments at the end of the lesson sequence

**Resources for Lesson 6**

**Social websites harm children's brains: Chilling warning to parents from top neuroscientist**

**By David Derbyshire**  
http://www.informationliberation.com/space.gif  
Social networking websites are causing alarming changes in the brains of young users, an eminent scientist has warned. Sites such as Facebook, Twitter and Bebo are said to shorten attention spans, encourage instant gratification and make young people more self-centred.   
  
The claims from neuroscientist Susan Greenfield will make disturbing reading for the millions whose social lives depend on logging on to their favourite websites each day. But they will strike a chord with parents and teachers who complain that many youngsters lack the ability to communicate or concentrate away from their screens.  
  
More than 150million use Facebook to keep in touch with friends, share photographs and videos and post regular updates of their movements and thoughts. A further six million have signed up to Twitter, the 'micro-blogging' service that lets users circulate text messages about themselves.  
  
But while the sites are popular - and extremely profitable - a growing number of psychologists and neuroscientists believe they may be doing more harm than good. Baroness Greenfield, an Oxford University neuroscientist and director of the Royal Institution, believes repeated exposure could effectively 'rewire' the brain. Computer games and fast-paced TV shows were also a factor, she said. 'We know how small babies need constant reassurance that they exist,' she told the Mail yesterday. 'My fear is that these technologies are infantilising the brain into the state of small children who are attracted by buzzing noises and bright lights, who have a small attention span and who live for the moment.'   
  
Her comments echoed those she made during a House of Lords debate earlier this month. Then she argued that exposure to computer games, instant messaging, chat rooms and social networking sites could leave a generation with poor attention spans.

'I often wonder whether real conversation in real time may eventually give way to these sanitised and easier screen dialogues, in much the same way as killing, skinning and butchering an animal to eat has been replaced by the convenience of packages of meat on the supermarket shelf,' she said. Lady Greenfield told the Lords a teacher of 30 years had told her she had noticed a sharp decline in the ability of her pupils to understand others.   
  
'It is hard to see how living this way on a daily basis will not result in brains, or rather minds, different from those of previous generations,' she said. She pointed out that autistic people, who usually find it hard to communicate, were particularly comfortable using computers.   
  
'Of course, we do not know whether the current increase in autism is due more to increased awareness and diagnosis of autism, or whether it can - if there is a true increase - be in any way linked to an increased prevalence among people of spending time in screen relationships. Surely it is a point worth considering,' she added.

Psychologists have also argued that digital technology is changing the way we think. They point out that students no longer need to plan essays before starting to write - thanks to word processors they can edit as they go along. Satellite navigation systems have negated the need to decipher maps.   
  
A study by the Broadcaster Audience Research Board found teenagers now spend seven-and-a-half hours a day in front of a screen. Educational psychologist Jane Healy believes children should be kept away from computer games until they are seven. Most games only trigger the 'flight or fight' region of the brain, rather than the vital areas responsible for reasoning.   
  
Sue Palmer, author of Toxic Childhood, said: 'We are seeing children's brain development damaged because they don't engage in the activity they have engaged in for millennia. 'I'm not against technology and computers. But before they start social networking, they need to learn to make real relationships with people.'

**Anticipation Guide**

Scaffolding Strategy: Anticipation Guide

(a before-and during-reading strategy)

Background Information

The Anticipation Guide activity was developed by Readence in 1986. This activity is designed to create a conversation among students in which they 1) discuss their own ideas and beliefs prior to reading a text and 2) find evidence of the author’s ideas and beliefs within the text.

What is it?

The Anticipation Guide is a before-and during-reading strategy that engages students in talking about their own values and beliefs and comparing them to those of the author of a text.

Why use it?

The Anticipation Guide gives students an opportunity to discuss their own values and priorities before reading a text. This readies them for analyzing the text for evidence of the author’s message or theme. Discussion of personal values with peers in small groups is non-threatening for ELLs and provides a vehicle for meaningful interaction and for exposure to new vocabulary. Within the small group ELLs are able to clarify the meaning of concepts and statements that will enhance comprehension.

Procedure

* Think about the key messages of a text you want your students to read. Think about what you know of your students’ knowledge, values, and priorities.
* Prepare four statements that relate to the key messages. Make the statements somewhat provocative and a little ambiguous, so that they are difficult to agree or disagree with absolutely.
* Prepare the Anticipation Guide worksheet.
* Group students into threes and fours.
* Distribute the worksheet.
* Ask students to read each statement and fill in the My Opinion Column on their own.
* When students have filled in the column, ask them to share their opinions with the others in their group and to try to come to consensus on each statement. Students should not change the entry they made in the My Opinion column. Give students several minutes to discuss their opinions.
* Debrief with students.
  + On what statements did you agree?
  + What is easy of difficult to come to agreement?
  + Why do you think it was difficult?
* Tell students that they are going to read a text to see whether the author would agree with the statements. Ask students to read with the statements in mind. When they come to a piece of text that tells them about the author’s opinion, they should mark it or copy it.
* Give students time to read the text .
* Ask students to discuss their findings and to give evidence of their finding by pointing to the text.
* Give students time for discussion.
* Debrief with students.
  + Did you agree on the author’s opinion?
  + Was it easier of more difficult to agree about the author than when you were sharing your own opinion?
  + Why?

Extending the activity

* Ask students to share the most interesting thing that come out of their discussion, orally with the whole class or privately in a journal entry.
* Ask students to fill out a graphic representation of the ideas that come out in their discussion. Venn Diagrams might be appropriate.

**Anticipation Guide Activity Sheet**

Scaffolding strategy: Anticipation Guide

(a before and during reading strategy)

|  |
| --- |
| ANTICIPATION GUIDE |
| What do you think A = Agree D = Disagree |
| Opinions:  My Group Author’s  \_\_\_ \_\_\_\_\_ \_\_\_\_\_\_\_ Government exist to safeguard the rights of all the people they govern.  \_\_\_ \_\_\_\_\_ \_\_\_\_\_\_\_ When a government no longer protects the rights of all the people, it is the duty of the people to remove the government.  \_\_\_ \_\_\_\_\_ \_\_\_\_\_\_\_ it is better to put up with a government that is abusive to some of the people than to abolish the government.  \_\_\_ \_\_\_\_\_ \_\_\_\_\_\_\_ All nations have the undisputed right to make alliance with, trade with, and go to war against other nations. |

**In Congress, July 4, 1776**

**The Unanimous Declaration of the Thirteen United States of America**

When in the Course of human events, it becomes necessary for one People to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the consent of the governed.

That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its power in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such governments, and to provide new Guards for their future security.

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct Object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these united Colonies are, and of Right ought to be Free and Independent States, that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

|  |
| --- |
| Directions:   * 1. Mark your confusion.   2. Show evidence of a close reading. Mark up the text with questions and/or comments.   3. Write a one-page reflection on your own sheet of paper |

Pro/Con

**Is Lowering the Drinking Age a Good Idea?**

Source: Jessica Pauline Ogilvie, *Los Angeles Times*, May 30. 2011

It's no secret that people drink alcohol before they turn 21. Stories about binge drinking on college campuses and alcohol-fueled high school parties are as easy to find as the Facebook photos that document them.

But underage drinking isn't all fun and games. Kids who don't know their limits can drink to the point of alcohol poisoning, and those who feel invincible — as many at that age do — may underestimate the danger of getting behind the wheel.

Some experts say the solution is to lower the legal drinking age to 18. More than 130 college chancellors and presidents have signed a petition initiated in 2008 in support of the idea. In Alaska, a bill was recently introduced that would allow active members of the military to drink at the age of 18, with the rationale that if they're old enough to fight and die for their country, they're old enough to have a beer.

Those opposed to the notion point to the fact that since the National Minimum Drinking Age Act of 1984 raised the drinking age to 21 in all 50 states, roads have become safer and kids have delayed the onset of drinking. Underage alcohol consumption is still a problem, they note, but lowering the legal age requirement would do nothing to combat it.

|  |  |
| --- | --- |
| Yes | No |
| **What we're doing now to prevent underage drinking isn't working; it's time to try something else** | **Keeping the drinking age at 21 has saved lives, and there's no reason to fix what isn't broken.** |
| Right now we basically have alcohol prohibition for adults ages 18 to 20, and we are getting some of the same results we got through national prohibition in the early 20th century. Fewer young adults drink, but when they do drink they tend to drink more, and I'm mostly concerned about drinking to excess.  When you prohibit drinking legally, it pushes it into places that are uncontrolled, like fraternity houses. These are places that promote drinking games and excessive, rapid consumption of alcohol, which puts people in danger of getting alcohol poisoning, and that can be fatal.  Research suggests that the reduction in teenage alcohol-related fatalities that some point to as a reason for keeping the drinking age at 21 is in fact a result of nothing more than those fatalities being shifted to an older age group — people ages 21, 22 or 23.  Some also argue that the drinking age should be kept at 21 because the brain doesn't finish maturing until around age 25, but in that case we should also raise the voting age and the military age. We have to be consistent.  What we have been doing to prevent underage drinking so far hasn't worked. The DARE [Drug Abuse Resistance Education] program, for instance, which is used in about 70% of the schools in the country, is basically a scare tactic. There has not been a single scientific study of the effects of DARE that has found it to be productive. There have even been some studies that have found that the students who were exposed to DARE ended up using more frequently or more heavily  There has been a natural experiment going on with young people and drinking for thousands of years. There are a number of groups in which young people drink alcohol — Greeks, Italians, people from southern France, Portugal, Spain. In these groups, people tend to drink at an early age, and there's no evidence that it harms them intellectually or behaviorally.  That said, I advocate a qualified drinking age for adults 18 and over. I propose issuing drinking learner permits for people of that age. The specifics about what would be allowed under the permits would be determined by lawmakers and may change as time goes on, just as we've done with driver's permits. But for example, the person could drink with permission of the parent or in the parent's home, or only in restaurants or bars. Then, if they didn't get into trouble, certain of these restrictions would be dropped. They would have to complete a very specified alcohol education course and have no alcohol-related offenses.  The idea would be to prepare them to be safe drinkers and to help them learn about drinking appropriately if they choose to drink.  *Dr. David J. Hanson is a sociologist at the State University of New York at Potsdam who has studied alcohol and drinking for more than 40 years.* | Binge drinking among 8th, 10th and 12th graders has been steadily going down since the drinking age was raised to 21. In 2009, it was at an all-time low for 12th graders, many of whom are 18. In colleges, we haven't made as much progress, but lowering the drinking age is not the answer.  Back in the 1970s, a number of states lowered the drinking age from 21 to 18, and we saw an increase in alcohol consumption by youth. When it was raised again in 1984 back to 21, we saw lower consumption of alcohol, and we've kept those low rates.  When you see younger people starting to drink, if they combine that with driving it results in a lot of fatalities. The National Highway Traffic Safety Administration estimates that raising the drinking age to 21 saves about 800 lives a year. In fact, most public health groups — including the Centers for Disease Control and Prevention and the American Medical Assn. — favor keeping the drinking age at 21.  The research also shows that if a youth starts drinking alcohol before age 14, their chances of becoming addicted or having an alcohol-related crash or getting into a fight increases, so it's very critical to delay that onset of drinking. Kids still experiment, but the age-21 limit does delay the onset of drinking somewhat. When you start drinking, you have to look 21. A 16-year-old or a 14-year-old doesn't look 21, but they may look 18.  There is also a myth that because the drinking age is lower in Europe, and because in their culture they bring youth up to drink alcohol, that there is a lesser problem. But if you look at the surveys that have been done, most European countries have a much higher rate of binge drinking for 15- and 16-year-olds than we do in the U.S.  I have no problem with education about alcohol, with teaching about moderation or with handing out a drinking license, but I don't think it should be tied to the drinking age.  *James C. Fell is a senior program director at the Alcohol, Policy and Safety Research Center of the Pacific Institute for Research & Evaluation in Calverton, Md.* |

Lesson 7 – CEPA – Senate Committee Meeting on the Renewal and Constitutionally of the Patriot Act

**Brief Overview:** Students will perform various activities to assess their knowledge of the unit on Constitutional Rights.

**Prior Knowledge Required:** Students should have background knowledge of the six covered lessons in the unit.

**Estimated Time:** 1-2 class periods

**Resources for Lesson:** <http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

**Content Area/Course:** US Social Studies

**Unit:** Constitutional Rights

**Time (minutes):** 2-3 class periods

**Lesson:** CEPA – Senate Committee Meeting on the Renewal and Constitutionally of the Patriot Act

**Overview:** Students will perform various activities to assess their knowledge of the unit on Constitutional Rights.

*By the end of this lesson students will know and be able to:*

Support a claim with evidence

Speak and write persuasively

Take a stand on the Patriot Act

Identify sources as credible evidence

Present information from the point of view of a congressional committee member

Analyze opposing viewpoints on the Patriot act

**Essential Question addressed in this lesson:**

Is Patriot Act constitutional?

Where is the balance between individual liberties and the general welfare?

When should personal liberty be sacrificed for the common good?

**Standard(s)/Unit Goal(s) to be addressed in this lesson:**

**MA History and Social Studies Curriculum Framework Standards**

**USI.9** Explain the reasons for the passage of the Bill of Rights. (H, C)

1. The influence of the British concept of limited government.
2. The particular ways in which the Bill of Rights protects basic freedoms, restricts government power, and ensures rights to persons accused of crimes.

Seminal Primary Documents to Read: the Bill of Rights (1791)

Seminal Primary Documents to Consider: Magna Carta (1215) and the English Bill of Rights (1689)

**USI.13** Explain why the United States government is classified as a democratic government. (H, C)

**USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights.

**USI.19** Explain the rights and the responsibilities of citizenship and describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties, and interest groups.

**USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public.

**MA English Language Arts Curriculum Framework Standards**

**ELA9-10.RH.4** Determine the meaning of words and phrases as they used in a text, including vocabulary describing political, social or economic aspects of history/social studies.

**ELA9-10.RH.5** Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

**ELA9-10.RI.2** Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

**ELA9-10.RI.5** Analyze in detail how an author’s ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text (e.g., a section or chapter).

**ELA9-10.W.1** Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

**ELA9-10.W.4** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.)

**Instructional Resources/Tools**

White or chalk board, television, teachers domain video, projector screen or individual machines, paper, pens, pencils, copies of your presentation, and research collected from lesson 6.

Anticipated Student Preconceptions/Misconceptions

All senators do is yell at each other

The Patriot Act no longer applies to daily lives

Students might think this will be a debate but the format is in a discussion/round table meeting format.

Instructional Model

Quick Lecture  
Small Group Work (sharing out)  
Whole Group Discussion

Large group and small group case analysis and discussions  
Individual student product: (Assessment at the end, writing or drawing about constitution)

Instructional Tips/Strategies/Suggestions:

1. Small Groups discussions (see link below):

<http://www.nsrfharmony.org/protocol/doc/jigsaw.pdf>

<http://www.nsrfharmony.org/protocol/doc/wagon_wheels.pdf>

2. Scaffolding: Use Anticipation Guide (see recourse section)

Graphic Organizer for Summative Assessment

Additional Concept can be provided for Gifted/Talented

3. Provide opportunities for movement/short breaks

Pre-Assessment

Graphic organizer of each group’s talking points during the presentation

What students need to know and are able to do coming into this lesson (including language needs):

They have researched and prepared arguments on the Patriot Act and knowledge of the Constitution and Senate committee process

**Information for Teacher**

If you have block scheduling, this could all be done in one lesson, the homework would act as the beginning of the next segment

**Lesson Sequence**

The goal of the CEPA is for students to participate in a mock Congressional Committee meeting, in which the Patriot Act is being debated. Each student has already been given a specific role for the meeting (in the previous lesson) and has collected his/her evidence. After a brief check in with the other members of their group, students should be ready for the meeting to begin. After the meeting students will have an opportunity to reflect on their participation. The CEPA will end with an Argument Writing piece which ties together the complete unit.

**Opener:**

Students will review their notes from the writing and speaking lesson, lesson #5. They should write down two things their committee will do in today’s presentation that will effectively present their argument.

**Activity 1**

Students will meet with their group members to organize notes and make any final preparations.

**Activity 2**

Begin meeting: You are present at a Senate Committee meeting to discuss the renewal and constitutionality of the Patriot Act. You are given a role that you will research and collect data on before the big meeting. The purpose is to create a strong argument for your side which you will present before the Committee.

**Roles:**

News reporters/Media (5-7), Celebrity Proponent (1), Celebrity Opponent (1), Homeland Security committee (4-5), Budget Committee (4-5), Judiciary Committee (4-5), Intelligence Committee (4-5), Vice President

Students will take notes on a graphic organizer during the presentation on every group’s main argument, evidence used, and any comments, questions or connections

**Activity 3**

Self reflection tool on the presentation and their role, as well as their thoughts on the activity.

Homework: Give students a copy of the persuasive writing rubric to review and look over before they complete the final writing assessment for the unit

**Activity 4**

Post-CEPA writing reflection for the day after the performance

Opener: Review a copy of the persuasive writing rubric

**Activity 5**

Follow Up Reflection: Reflect on your argument. Based on your participation in the Congressional Committee meeting, how would you vote if Congress put this question on the next General Election ballot? Is your answer the same as before the meeting? If so, explain why your opinion has not changed. If your opinion has changed, is there a committee that swayed your thoughts? What specifically did they say to do so?

**Activity 6**

Argument Writing Piece

Based on the evidence you collected and your participation in the Congressional Committee meeting, please answer the following questions. You response should follow the criteria laid out in Lesson #5 (Persuasive Writing) and be about 1.5-2 pages in length (typed).

1. Is the Patriot Act constitutional?
2. Should personal liberties be sacrificed for the common good? If so, when? Explain.

**Formative assessment:**

Use your notes from today’s lesson to answer the following question:

What is the purpose of government?

**Preview outcomes for the next lesson**:

**Summative Assessment:**

Written and performed dialogue

Oral comments at the end of the lesson sequence

**Resources for Lesson 7**

Notes for the Senate Committee Meeting

|  |  |  |  |
| --- | --- | --- | --- |
| Role | Main Argument | Evidence Used | Comments/Questions/  Connections |
| News reporters/Media |  |  |  |
| Celebrity Proponent |  |  |  |
| Celebrity Opponent |  |  |  |
| Homeland Security committee |  |  |  |
| Budget committee |  |  |  |
| Judiciary Committee |  |  |  |
| Intelligence Committee |  |  |  |
| Vice President |  |  |  |

**Curriculum Embedded Performance Assessments (CEPA)**

**for Constitutional Rights**

**Essential Questions:**

1. Is the Constitution a living document?
2. What is the government’s responsibility to promote the general welfare?
3. How far should the commitment to the ideals of the Constitution extend?
4. Should citizens be expected to give up rights to maintain the general welfare?

**Content Questions:**

1. Is the Patriot Act Constitutional?
2. Should the Patriot Act be renewed?

**Massachusetts Learning Standards:**

**US1.9** Explain the reasons for the passage of the Bill of Rights. (H, C)

**USI.13** Explain why the United States government is classified as a democratic government (H, C)

**USI.14** Explain the characteristics of American democracy, including the concepts of popular sovereignty and constitutional government, which includes representative institutions, federalism, separation of powers, shared powers, checks and balances, and individual rights. (H, C)

**USI.19** Explain the rights and the responsibilities of citizenship and describe how a democracy provides opportunities for citizens to participate in the political process through elections, political parties, and interest groups. (H, C)

**USI.21** Describe how decisions are made in a democracy, including the role of legislatures, courts, executives, and the public. (H, C)

**Common Core Standards for Writing:**

1. Write arguments to support claims with clear reasons and relevant evidence.

a. Introduce claim(s) and organize the reasons and evidence clearly.

b. Support claim(s) with clear reasons and relevant evidence, using credible sources and

demonstrating an understanding of the topic or text.

c. Use words, phrases, and clauses to clarify the relationships among claim(s) and reasons.

d. Establish and maintain a formal style.

e. Provide a concluding statement or section that follows from the argument presented.

**Materials Required for CEPA Activities:**

Learning Activity #1:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Students will review the 1st Amendment AND discuss the role of the Supreme Court in deciding the constitutionality of laws and specific cases. | SWBAT describe the 1st amendment in their own words and explain the role of the Supreme Court (Formative) | 1 45-55 minute period | 1st Amendment  Background info on the Supreme Court | At the end of the unit on Constitutional Rights and at the beginning of the CEPA |

Learning Activity #2:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Students will analyze an example of a Supreme Court case dealing with the 1st Amendment. Students will interact with the text and complete an APPARTS chart. | SWBAT summarize the case, explain how it relates to the 1st amendment, and evaluate the Court’s decision.  (Formative) | 1-2 Class periods of about 45-55 minutes each | Tinker v. Des Moines  APPARTS chart | At the end of the Unit on Constitutional Rights and after Learning Activity #1 |

Learning Activity #3:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Students will be given an excerpt of the Patriot Act. Students will participate in The Final Word process. There will be a whole class debrief of the source. | Students will share their initial reactions to the Patriot Act and be able to discuss their initial thoughts in small groups | 1 45-55 minute period | excerpt from the Patriot Act/Protocol for The Final Word | After Learning Activity #2 |

Learning Activity #4:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Students will jigsaw excerpts from the Patriot Act and identify passages that either violate the Constitution or are in line with the Constitution. They will write for the initial purpose of arguing for or against the constitutionality of the Patriot Act. | SWBAT identify their point of view on the constitutionality of the Patriot Act in a short persuasive writing piece (1-2 paragraph).  Brief to the Court  (RAFT) | 1-2 periods of about 45-55 minutes each | 10 sections of the Patriot Act on slips of paper/Handout for comparing the two documents (Constitution and Patriot Act) | After Learning Activity #3 |

Learning Activity #5:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Introduction of roles and responsibilities.  Students will be exposed to the opposing viewpoints on the Constitutionality of the Patriot Act.  Mini Lesson on Persuasive techniques (writing and speaking) |  | 2-3 45-55 minute periods | Handout on Persuasive Writing Techniques  Handout on roles and responsibilities  Rubric on persuasive writing and speaking  Opposing viewpoints handout |  |

Learning Activity #6:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Research, collection of data, and spelling out of talking points and arguments. |  |  |  |  |

Performance Assessment:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
|  |  |  |  |  |

Learning Activity #7:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Activity | Purpose | Time Required | Materials Provided | When to Administer |
| Students will reflect on the process and assess the constitutionality of the Patriot Act  Ben Franklin Quote on Liberty and Security | Should citizens be expected to give up rights to maintain the general welfare? | 1-2 class periods of 45-55 minutes each |  |  |

**Roles:**

News reporters/Media (5-7), Celebrity Proponent (1), Celebrity Opponent (1), Homeland Security committee (4-5), Budget Committee (4-5), Judiciary Committee (4-5), Intelligence (4-5), Vice President subcommittee

-address/choose a Speaker to address the full meetingin groups, analyze data and discuss talking pointsnews reporters come up with questionsprocess for congressional meetingstemplate for taking notes at the meeting

**Follow Up Writing Assignment**:

Reflect on your argument. Based on your participation in the Congressional Committee meeting, how would you vote if Congress put this question on the next General Election ballot?

Is your answer the same as before the meeting?

If so, explain why your opinion has not changed. If your opinion has changed, is there a committee that swayed your thoughts?

What specifically did they say to do so?

**CEPA Teacher Instructions:**

<type here>

**CEPA Student Instructions:**

<type here>

**CEPA Rubric:**

The following are examples of Performance Rubrics that can be used (if cited) or adapted. You can also create your own Performance Based Rubrics.

**Option 1: Grading Rubric for Oral Exams (Midterm and Final) in Upper Division History Course**

**Susan Ambrose, Carnegie Mellon University:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **A (18-20 points)**  **Exemplary** | **B (16-17 points)**  **Competent** | **C (14-15 points)**  **Developing** | **D/R** |
| **Dimensions:** |  |  |  |  |
| **Overall Understanding** | Shows a deep/robust understanding of the topic with a fully developed argument per the categories below | Shows a limited understanding of the topic, not quite a fully developed argument per the categories below | Shows a superficial understanding of the topic, argument not developed enough per the categories below | Shows no understanding of the topic and no argument per the categories below |
| **Argument** | Clearly articulates a position or argument | Articulates a position or argument that is incomplete or limited in scope | Articulates a position or argument that is unfocused or ambiguous | Does not articulate a position or argument |
| **Evidence** | Presents evidence that is *relevant and accurate*  Presents *sufficient* amount of evidence to support argument | Presents evidence that is *mostly relevant and/or mostly accurate*  Presents *limited* evidence to support argument | Presents evidence that is *somewhat inaccurate and/or irrelevant*, but corrects when prompted  Does *not* present *enough* evidence to support argument, but augments when prompted | Presents *a lot of inaccurate and/or irrelevant* evidence  Doesn’t present enough evidence to support argument, even when prompted repeatedly |
| **Implications** | Fully discusses the major implications of the argument or position | Adequately discusses some of the major implications of the position | Discusses minor implications (missing the major ones) OR does not discuss major implications adequately | Doesn’t discuss the implications of the argument or position |
| **Structure** | There is logic in the progression of ideas | There are a few areas of disjointedness or intermittent lack of logical progression of ideas | Ideas are somewhat disjointed and/or do not always flow logically, making it a bit difficult to follow | Ideas are disjointed and/or do not flow logically, hence argument is very difficult to follow |
| **Prompting** | Did not have to prompt with probing questions at all | Prompted minimally (one or two probing questions) | Prompted a lot (a series of probing questions) |  |

**Option 2:** <http://performanceassessment.org/performance/socialstudiesrubric2011.pdf>

**Malden Middle School Rubric for Persuasive Writing**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Criteria** | **4 Advanced** | **3Proficient** | **2Developing** | **1Limited** |
| **Argument and Claim** | The writer  –   * Clearly states an argument or claim * Demonstrates strong knowledge of topic * Shows awareness of  audience and/or purpose   *(Grades 7,8)*   * Acknowledges alternative or opposing claims/ points of view | The writer-   * Adequately states an argument or claim * Demonstrates knowledge of topic * Shows awareness of audience and purpose   *(Grades 7,8)*   * Demonstrates some knowledge of opposing points of view or claim; does not elaborate on differences | The writer-   * Suggests, but does not state an argument or claim * Demonstrates very general knowledge of topic * Shows little or no awareness of audience and purpose.   *(Grades 7,8)*   * Does not demonstrate knowledge of opposing points of view or claims | The writer -   * Does not state an argument or claim * Demonstrates limited knowledge or understanding of topic. * Shows no awareness of audience or purpose.   *(Grades 7,8)*   * Does not present any opposing point of view or claim. |
| **Organization** | The writer –   * Presents a cohesive and logical          progression of ideas   * Uses words, phrases and clauses to signal transitions and clarify the relationship among claim(s), reasons, and evidence * Effectively paraphrases and integrates   information * Presents a concluding paragraph that shows how the evidence supports the argument or claim. | The writer -   * Presents ideas in 2 to 3 organized paragraphs with some organized progression of ideas. * Uses words, phrases and clauses to signal transition and clarify relationship among claims, reasons, evidence. * Attempts to paraphrase information; awkward wording * Presents a concluding paragraph that summarizes the argument or claim. | The writer **-**   * Presents ideas in 2 or less paragraphs with some organization * Uses words, phrases, or clauses to signal transition or clarify relationship * Mostly information is copied directly from sources; little or no  paraphrasing * Presents a concluding sentence that signals the end of the essay. | The writer does not -   * Use any relevant wording to show transition or relationship among ideas * Does not demonstrate understanding of  the elements of an essay structure; no conclusion |
| **Evidence** | The writer –   * Supports claim/argument with logical reasoning and  relevant, accurate data and  credible evidence that  demonstrates a deep understanding of  topic. | The writer-   * Supports claim/argument with *some* relevant, accurate data and evidence that demonstrates an adequate understanding of the topic. | The writer-   * Attempts to support a claim/argument with accurate evidence. | The writer -   * Attempts to support a claim/argument with no evidence. |
| **Word Choice** | The writer  effectively uses-   * Content specific and appropriate academic vocabulary * Precise language to create a powerfully convincing tone | The writer attempts to use -   * Content specific and appropriate academic vocabulary | The writer inconsistently and at time inaccurately  uses-   * Content specific and appropriate academic vocabulary. | The writer does not use-   * Academic or content  specific vocabulary |
| **Conventions** | The writing-   * Has few errors in spelling, punctuation, sentence structure, and paragraphing that do not interfere with understanding. | The writing-   * Has noticeable errors in spelling, punctuation, sentence structure, and paragraphing. | The writing-   * Has errors that do distract the reader, but do not interfere in understanding of the response. | The writing-   * Has errors that interfere in the understanding of the response |

**CEPA documents and other resources needed:**

<type here and include any other documents needed after this page>

1. [↑](#endnote-ref-1)